

1 UNITED STATES DISTRICT COURT
2 FOR THE NORTHERN DISTRICT OF OHIO
3 EASTERN DIVISION
4

5 -----x
6 IN RE: NATIONAL PRESCRIPTION) Case No.
7 OPIATE LITIGATION) 1:17-MD-2804
8 APPLIES TO ALL CASES) Hon. Dan A. Polster
9 -----x

10 HIGHLY CONFIDENTIAL - SUBJECT TO FURTHER
11 CONFIDENTIALITY REVIEW
12

VIDEOTAPED DEPOSITION OF BURT E. ROSEN

13 WASHINGTON, D.C.

14 WEDNESDAY, JANUARY 16, 2019

15 9:06 A.M.

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22

23 Pages: 1 - 325

24 Reported by: Leslie A. Todd

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<p>1 Deposition of BURT E. ROSEN, held at the law 2 offices of: 3 4 5 DECHERT, LLP 6 1900 K Street, N.W. 7 Washington, D.C. 20006 8 9 10 11 12 Pursuant to notice, before Leslie Anne Todd, 13 Court Reporter and Notary Public in and for the 14 District of Columbia, who officiated in 15 administering the oath to the witness. 16 17 18 19 20 21 22 23 24</p>	<p>1 APPEARANCES (Continued): 2 3 ON BEHALF OF THE STATE OF SOUTH CAROLINA: 4 REBECCA McCORMACK, ESQUIRE (Telephonically) 5 ASSISTANT ATTORNEY GENERAL 6 Columbia, South Carolina 7 8 ON BEHALF OF THE WITNESS: 9 MICHAEL T. COLE, ESQUIRE 10 JOSEPH E. FORNADEL, III, ESQUIRE 11 (Telephonically) 12 NELSON MULLINS RILEY & SCARBOROUGH LLP 13 151 Meeting Street 14 Charleston, South Carolina 29401-2239 15 (843) 720-4325 16 17 ON BEHALF OF THE WITNESS AND PURDUE PHARMA: 18 ERIK W. SNAPP, ESQUIRE 19 NICOLAS A. NOVY, ESQUIRE 20 DECHERT LLP 21 35 West Wacker Drive, Suite 3400 22 Chicago, Illinois 60601 23 (312) 646-5800 24</p>
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<p>1 APPEARANCES (Continued):</p> <p>2</p> <p>3 FOR AMERISOURCEBERGEN:</p> <p>4 GRETCHEN M. CALLAS, ESQUIRE (Telephonically)</p> <p>5 JACKSON KELLY, PLLC</p> <p>6 500 Lee Street East, Suite 1600</p> <p>7 Charleston, West Virginia 25301-3202</p> <p>8 (304) 340-1169</p> <p>9</p> <p>10 FOR JANSSEN PHARMACEUTICALS:</p> <p>11 STEPHANIE FUNG, ESQUIRE (Telephonically)</p> <p>12 O'MELVENY & MYERS, LLP</p> <p>13 2765 Sand Hill Road</p> <p>14 Menlo Park, California 94025</p> <p>15 (650) 473-2600</p> <p>16</p> <p>17 ALSO PRESENT:</p> <p>18 DANIEL HOLMSTOCK (Videographer)</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p>	<p>1 E X H I B I T S (Continued)</p> <p>2 (Attached to transcript)</p> <p>3 PURDUE-ROSEN DEPOSITION EXHIBITS PAGE</p> <p>4 No. 5 Chart entitled "3 Waves of the</p> <p>5 Rise in Opioid Overdose Deaths" 53</p> <p>6 No. 6 E-mail re PCF May Meeting Documents,</p> <p>7 Bates PPLP004021796 to 004021810 57</p> <p>8 No. 7 Spreadsheet entitled "Response to</p> <p>9 Request 1)," Bates SFC00000001 82</p> <p>10 No. 8 Chart 82</p> <p>11 No. 9 Spreadsheet entitled "Organizational</p> <p>12 Payments - 2001 through 2/13/2015,</p> <p>13 Bates PPLPC017000604922 90</p> <p>14 No. 10 Letter to James Schoeneck (Depomed)</p> <p>15 from Senator Claire McCaskill,</p> <p>16 dated March 28, 2017 93</p> <p>17 No. 11 List of various organizations 102</p> <p>18 No. 12 HSGAC Minority Staff Report</p> <p>19 entitled "Fueling an Epidemic,"</p> <p>20 Report Two 104</p> <p>21 No. 13 E-mail re Washington State Opioid</p> <p>22 Dosing Guideline, Bates PPLP004024280112</p> <p>23 No. 14 Various Lobbying Reports 115</p> <p>24</p>
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16	Task Force (Jan 30 12:00 PM EST),	16	004267411 250
17	Bates PPLP004333136 to 004333153 215	17	No. 36 E-mail string re DEA's probe
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20	Public Meeting December 4, 2009,	20	No. 37 E-mail string re Final Letter of
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4	No. 29 Pain Care Forum Media Committee,	4	No. 38 E-mail re Notes from PhRMA Federal
5	Report from July 16, 2009, Call	5	Steering Committee meeting today,
6	Draft Submitted July 17, 2009,	6	Bates PPLPC017000681743 to
7	Bates PPLP004051807 to 004051809 233	7	017000681744 263
8	No. 30 E-mail re July 9th Pain Care Forum	8	No. 39 E-mail string re Release: Hatch and
9	Meeting with Guest Speaker,	9	Whitehouse's Ensuring Patient
10	Dr. Douglas C. Throckmorton MD,	10	Access and Effective Drug Enforcement
11	Deputy Director, CDER, FDA, Bates	11	Act Passes Senate, Bates PPLPC
12	PPLP004051877 to 004051878 238	12	0200001006177 to 0200001006181 266
13	No. 31 E-mail re FYI: Pharmacists,	13	No. 40 E-mail string re Release: Hatch and
14	Distributors Back New House GOP	14	Whitehouse's Ensuring Patient
15	Prescription Drug Abuse Bill,	15	Access and Effective Drug
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17	017000518589 241	17	Bates PPLPC020001006733 to
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21	2:00 pm (Eastern) Bates PPLPC	21	Effective Drug Enforcement Act)
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<p style="text-align: right;">Page 15</p> <p>1 P R O C E E D I N G S</p> <p>2 -----</p> <p>3 THE VIDEOGRAPHER: We are now on the</p> <p>4 record. My name is Daniel Holmstock. I am the</p> <p>5 videographer for Golkow Litigation Services.</p> <p>6 Today's date is January 16th, 2019, and the time</p> <p>7 is 9:06 a.m.</p> <p>8 This deposition is being held at the law</p> <p>9 offices of Dechert LLP, at 1900 K Street,</p> <p>10 Northwest, in Washington, D.C. in the matter of</p> <p>11 In Re: National Prescription Opiate Litigation.</p> <p>12 It is pending before the United States District</p> <p>13 Court for the Northern District of Ohio, Eastern</p> <p>14 Division.</p> <p>15 The deponent today is Mr. Burt Rosen.</p> <p>16 Counsel will be noted on the</p> <p>17 stenographic record for appearances.</p> <p>18 The court reporter is Leslie A. Todd,</p> <p>19 who will now administer the oath.</p> <p>20 BURT E. ROSEN,</p> <p>21 and having been first duly sworn,</p> <p>22 was examined and testified as follows:</p> <p>23 DIRECT EXAMINATION</p> <p>24 BY MR. CRUEGER:</p>	<p style="text-align: right;">Page 17</p> <p>1 Q And you said you were at Purdue at the</p> <p>2 time?</p> <p>3 A I did work for Purdue at the time.</p> <p>4 Q And you served on the board of directors</p> <p>5 for this company?</p> <p>6 A Of the company, yes.</p> <p>7 Q Do you currently serve on any other</p> <p>8 board of directors?</p> <p>9 A No, I don't.</p> <p>10 Q Have you served on any other board of</p> <p>11 directors in the past?</p> <p>12 A No, that's the only board of directors</p> <p>13 that I had served on.</p> <p>14 Q Well, since it's been a little while,</p> <p>15 I'll just go over the basic rules of the</p> <p>16 deposition. It's fairly simple. I'll just ask</p> <p>17 you questions, and then you answer the questions.</p> <p>18 The only difference from a normal</p> <p>19 conversation is you actually really do have to</p> <p>20 adhere to the rules of etiquette and not talk over</p> <p>21 people, and it's not because of etiquette, it's</p> <p>22 because she can't take down what I'm saying --</p> <p>23 A Of course.</p> <p>24 Q -- and you're saying if we're talking at</p>

<p style="text-align: right;">Page 18</p> <p>1 the same time. And she'll get increasingly angry</p> <p>2 if we do it. So --</p> <p>3 A I'll try not to do that.</p> <p>4 Q What did you do to -- to prepare for</p> <p>5 today's deposition?</p> <p>6 A I had several meetings with my lawyers</p> <p>7 here.</p> <p>8 Q Did you talk to anyone else besides your</p> <p>9 lawyers?</p> <p>10 A No. Not about the substance. My wife</p> <p>11 of course knows I'm being deposed, but not about</p> <p>12 the substance.</p> <p>13 Q Did you review any documents to prepare</p> <p>14 for the deposition?</p> <p>15 A I did.</p> <p>16 Q Did you bring those documents with you</p> <p>17 today?</p> <p>18 A I did not. I brought nothing with me</p> <p>19 today.</p> <p>20 Q Do you know what documents you reviewed?</p> <p>21 A I could not name them. I'm sure that my</p> <p>22 attorneys know what documents I used.</p> <p>23 Q Do you know about how many there were?</p> <p>24 A I don't know the number.</p>	<p style="text-align: right;">Page 20</p> <p>1 you to divulge discussions you had with attorneys.</p> <p>2 If you can answer without talking about</p> <p>3 conversations with attorneys, you can answer.</p> <p>4 THE WITNESS: I did not.</p> <p>5 BY MR. CRUEGER:</p> <p>6 Q Did you see the notice of deposition?</p> <p>7 A I did not.</p> <p>8 Q Okay. Did you bring any -- I asked</p> <p>9 that.</p> <p>10 We will just sort of run through your</p> <p>11 background quickly just to get an idea of what it</p> <p>12 is, and we're not going to -- not going to make it</p> <p>13 into a memory test and stuff like that and have</p> <p>14 you live through your entire life.</p> <p>15 I know you graduated from college. What</p> <p>16 was your degree in?</p> <p>17 A Business economics.</p> <p>18 Q Where did you graduate from?</p> <p>19 A University of South Carolina.</p> <p>20 Q And I also know you went to law school.</p> <p>21 A I did.</p> <p>22 Q Where did you go to law school?</p> <p>23 A I also went to the University of South</p> <p>24 Carolina.</p>
<p style="text-align: right;">Page 19</p> <p>1 Q Large, small?</p> <p>2 A I don't know how to answer that</p> <p>3 question. There were a number of documents. I</p> <p>4 don't know how many.</p> <p>5 Q What kind of documents -- were they</p> <p>6 e-mails?</p> <p>7 A Some of them were e-mails. I'm trying</p> <p>8 to remember. I think -- I think they were all</p> <p>9 e-mails, but I could be wrong.</p> <p>10 MR. CRUEGER: Did you want to interject</p> <p>11 something?</p> <p>12 MR. SNAPP: No, go ahead.</p> <p>13 BY MR. CRUEGER:</p> <p>14 Q Can you tell me what the subject matter</p> <p>15 of these documents were?</p> <p>16 MR. SNAPP: I will object on the grounds</p> <p>17 of attorney-client privilege and attorney work</p> <p>18 product.</p> <p>19 And instruct you not to answer.</p> <p>20 BY MR. CRUEGER:</p> <p>21 Q Did you ask to review these documents?</p> <p>22 A I --</p> <p>23 MR. SNAPP: And if this -- I'm going to</p> <p>24 object to the extent that this question calls for</p>	<p style="text-align: right;">Page 21</p> <p>1 Q And did you graduate, I believe to just</p> <p>2 verify this, about 1973?</p> <p>3 A I did.</p> <p>4 Q Okay. And what did you do after you</p> <p>5 graduated from law school?</p> <p>6 A I moved here to Washington. I worked</p> <p>7 for Senator Ernest Hollings from South Carolina as</p> <p>8 what's called a legislative aide.</p> <p>9 Q And what does a legislative aide do?</p> <p>10 A I followed legislation on the senate</p> <p>11 floor and in committee -- committees where Senator</p> <p>12 Hollings served, or at least a couple of his</p> <p>13 committees, and tried to keep him apprised of what</p> <p>14 was happening at the time any -- just generally.</p> <p>15 Q About how long did you do that?</p> <p>16 A I was with Senator Hollings for four --</p> <p>17 about four and a half years.</p> <p>18 Q And about -- what did you do after that?</p> <p>19 A I moved to New York City, where I took a</p> <p>20 job with a company called the Continental Group,</p> <p>21 which was the Continental Can Company. They made</p> <p>22 cans, and they had other businesses as well.</p> <p>23 Q What did you do for them?</p> <p>24 A I worked for the -- essentially I worked</p>

<p style="text-align: right;">Page 22</p> <p>1 in the government relations group, and I primarily 2 staffed the chairman of the board at the Business 3 Roundtable back here in Washington. 4 Q And what does that actually mean, like 5 what did you actually do, sir? 6 A Well, the Business Roundtable is an 7 organization that's made up of chief executive 8 officers of some of the major companies in the 9 United States, and then he was a member of the 10 Business Roundtable. And my work primarily 11 revolved around antitrust issues that were going 12 on at the time in Congress. 13 Q And how long did you do this job? 14 A I was with Continental Group for about 15 two years. 16 Q And what did you do after? 17 A Well, the Continental Group actually 18 moved its headquarters to Connecticut, and I 19 didn't want really to live in Connecticut, so I 20 moved back from New York City and took a job as an 21 assistant vice president of a trade association 22 representing property and casualty insurance 23 companies. 24 Q What is the name of that association?</p>	<p style="text-align: right;">Page 24</p> <p>1 our legal department. Our job was really to try 2 to find public policies that -- that -- or to work 3 on public policies that -- that affected the 4 company. 5 And my work, as I recall it, you know, 6 varied. I worked on patent issues, I worked on 7 some antitrust issues. Again, I actually had met 8 my boss at Pfizer through the Business Roundtable, 9 and he had sought me out, recruited me to come and 10 work for -- for Pfizer. I just worked on a 11 variety of issues over the years. 12 I was there -- I don't remember exactly, 13 but about eight -- eight and a half years, or 14 something like that. 15 Q And what did you do after you worked for 16 Pfizer? 17 A I left Pfizer. I had been recruited to 18 work for Bristol-Myers at the time and did a 19 similar job there. 20 Q Still here in D.C.? 21 A Yes. Here in D.C. 22 Q And you said it's a similar job. Can 23 you give some examples of what you did at 24 Bristol-Myers?</p>
<p style="text-align: right;">Page 23</p> <p>1 A Let's see if I can remember. I think it 2 was the National Association of Independent 3 Insurers. 4 Q And how long did you -- did you do that 5 job? 6 A I was there just under a year, I 7 believe. 8 Q And what did you do after that? 9 A I went to work for Pfizer 10 Pharmaceuticals. 11 Q What did you do for Pfizer? 12 A I worked in their government relations 13 department here in Washington. And I was living 14 in Washington. I don't remember if I mentioned I 15 moved back from New York City. 16 Q And what kind of work did you do for 17 Pfizer in government relations? 18 A Well, I -- it varied. You mean subject 19 matter or what do you really mean? 20 Q Well, for someone who doesn't do it as a 21 living, I'm not sure what a government relations 22 person does. So... 23 A Well, I was in their government 24 relations department. I worked -- we reported to</p>	<p style="text-align: right;">Page 25</p> <p>1 A Well, Bristol -- both Pfizer and 2 Bristol-Myers were fairly broad-based companies. 3 They not only made pharmaceuticals; they -- they 4 had medical device companies. They had consumer 5 over -- what are called over-the-counter products. 6 They had cosmetics products, both of them. Pfizer 7 owned Coty Cosmetics. Bristol-Myers owned 8 Claire -- pardon me -- Clairol. So had a fairly 9 broad portfolio of issues that affected those 10 kinds of products. 11 Q Why did you leave Pfizer, by the way? 12 A I was recruited by Bristol. They had a 13 gentleman who ran their office and he was nearing 14 retirement age, and asked me to come there and 15 work for a short time until he retired, and then 16 take over the office as the vice president. 17 Q And about how long did you work for 18 Bristol-Myers? 19 A I ended up at Bristol-Myers -- I forget 20 the exact dates, I'm sure they're in my bio, but 21 it's about three -- three, three and a half years, 22 something like that. 23 Q So I'm not asking you about exact dates 24 because I can't -- I remember the year I got</p>

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1 married, but after that it gets a little fuzzy.
 2 So where did you go after Bristol-Myers?
 3 A I went from Bristol-Myers to SmithKline
 4 Beecham, where I was offered a job to be the
 5 vice president of their government relations
 6 program.
 7 Q And why did you leave Bristol-Myers?
 8 A Because I had a better job offer.
 9 Q Were you looking for a job?
 10 A No.
 11 Q And what did you do for SmithKline
 12 Beecham?
 13 A Same kind of work. They also were a
 14 very broad-based company. They had consumer
 15 brands, over-the-counter brands, as well as
 16 pharmaceuticals. They also had a vaccine
 17 business, so I spent a lot of time working on
 18 vaccine issues.
 19 Q And how long did you work for them?
 20 A Again, I don't know the exact -- but it
 21 was about, again, eight or nine years.
 22 Q And what did you do after that?
 23 A SmithKline Beecham merged with Glaxo,
 24 and I left and took a similar job with Novartis

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1 Pharmaceuticals.
 2 Q By the way, SmithKline Beecham, you were
 3 still in D.C.?
 4 A I -- I've never left D.C. since I came
 5 back from New York.
 6 Q Okay.
 7 A And -- as far as my residence and my
 8 place of work.
 9 Q So you went to Novartis. What did you
 10 do for them?
 11 A Same thing.
 12 Q Government relations?
 13 A I was the vice president of their
 14 government relations program, yes. And they again
 15 were a very broad-based company with consumer
 16 products as well as pharmaceuticals. They also
 17 had a nutritional business that made things like
 18 infant formula.
 19 Q So how long did you work for Novartis?
 20 A I was there for about two years.
 21 Q Then what did you do?
 22 A Well, I was recruited to come to work
 23 for Purdue Pharmaceuticals.
 24 Q Was that about 1992?

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1 A No. I came to Purdue in December of
 2 2001.
 3 Q Okay. Oh, yeah, sorry about that.
 4 Who recruited you?
 5 A A search firm.
 6 Q Did you interview with people at Purdue?
 7 A I did.
 8 Q Who did you interview with?
 9 A I interviewed with Michael Friedman;
 10 Howard Udell; a gentleman who was the head of
 11 human resources, David Long. I'm trying to
 12 remember. I'm sure I met with more people than
 13 that, but I think it was a guy who was the head of
 14 the communications group.
 15 Q So I'm not sure, is the -- when you say
 16 you're doing government relations, is that the
 17 same thing as lobbying or --
 18 A Yes, it is.
 19 Q Okay.
 20 A Well, yes. Some of my job is actual
 21 lobbying.
 22 Q And what would the other part be?
 23 A Well, when you're in government
 24 relations, a lot of what you do is you monitor

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1 things. You -- you know, you try to keep track of
 2 a variety of activities that are taken by the
 3 government, proposals that are introduced,
 4 legislations that's discussed or debated.
 5 In many cases you don't actually lobby
 6 it. You don't go up and try to influence. You
 7 just want to know what's going on. In other cases
 8 you may have an interest and you may actually try
 9 to, what I would call, lobby it. But -- so you
 10 don't -- you're not up there doing that all the
 11 time. In fact, it turns out it's a fairly small
 12 proportion of your time.
 13 And then it may be that if you're trying
 14 to achieve something, you actually proactively
 15 come up with a public policy that you may go up
 16 and ask people if they would be willing to
 17 consider sponsoring it or offering it as an
 18 amendment.
 19 Q So I'm just going to hand you what we're
 20 going to label as Exhibit 1.
 21 (Rosen Exhibit No. 1 was marked
 22 for identification.)
 23 MR. CRUEGER: Thank you.
 24 BY MR. CRUEGER:

<p style="text-align: right;">Page 30</p> <p>1 Q You want to just quickly look at that</p> <p>2 so --</p> <p>3 A Sure. (Peruses document.)</p> <p>4 Q I just want to talk to you about -- so.</p> <p>5 You don't have to read the whole</p> <p>6 thing -- the second page that starts with "Career</p> <p>7 Highlights." So...</p> <p>8 A (Peruses document.) Okay.</p> <p>9 Q You wrote this document, correct?</p> <p>10 A I don't recall this document, but I see</p> <p>11 that I did. And I don't know who Chuck is. I</p> <p>12 assume he's at Pfizer.</p> <p>13 Q And I was just interested in -- this is</p> <p>14 just a list of what you labeled as your career</p> <p>15 highlights, correct?</p> <p>16 A Mm-hmm.</p> <p>17 Q And some of these things just I want --</p> <p>18 so you say, "Enacted" -- that's about the middle</p> <p>19 of the row, it starts: "Enacted SB specific tax</p> <p>20 laws, creating approximately \$45 million in tax</p> <p>21 savings."</p> <p>22 And then there's other entries there</p> <p>23 talking about you -- resulting in approximately</p> <p>24 \$36 million in sales, \$150 million in SB Canadian</p>	<p style="text-align: right;">Page 32</p> <p>1 Q Well, I was just wondering in general.</p> <p>2 I don't know what --</p> <p>3 A Nicorette is chewing gum.</p> <p>4 Q Yeah.</p> <p>5 A Yeah.</p> <p>6 Q And then the next document, though,</p> <p>7 would have been your resume, which is with all</p> <p>8 this "Non-Responsive." Do you see that?</p> <p>9 A I don't know. I don't really recall</p> <p>10 this e-mail, so I don't know.</p> <p>11 Q Well, if you look at the first page, the</p> <p>12 second document on the list is Burt E. Rosen</p> <p>13 Resume, correct?</p> <p>14 A Okay, I see that now, yes. So I -- I</p> <p>15 guess that would be the case.</p> <p>16 MR. CRUEGER: So, Counsel, I'm just</p> <p>17 going to point out, I think you guys produced like</p> <p>18 2,000-plus documents for Mr. Rosen yesterday. So,</p> <p>19 you know, we haven't had any chance to review any</p> <p>20 of this, so probably just -- we will consider the</p> <p>21 deposition as held open. I assume you're going to</p> <p>22 object, but --</p> <p>23 MR. SNAPP: Yes, we will.</p> <p>24 MR. CRUEGER: -- I'm making my record.</p>
<p style="text-align: right;">Page 31</p> <p>1 sales.</p> <p>2 So I'm just saying, is your job as a</p> <p>3 government relations, is it measured by impact on</p> <p>4 sales at these companies?</p> <p>5 A It can be, but not always.</p> <p>6 Q And one of them is just -- who is SB, by</p> <p>7 the way?</p> <p>8 A SmithKline Beecham.</p> <p>9 Q It says: "Delay Watson's generic</p> <p>10 Nicorette for three months through FDA</p> <p>11 intervention. This resulted in protecting</p> <p>12 approximately 36 million in SB sales."</p> <p>13 Can you just tell me exactly how you</p> <p>14 would delay something for --</p> <p>15 A I don't recall that specifically, to be</p> <p>16 honest with you. This was back in 2004 that this</p> <p>17 was written, and I see at a time when Purdue had</p> <p>18 lost the patent on its product. And I don't</p> <p>19 specifically recall what happened with Watson.</p> <p>20 Q Did you work for any tobacco companies?</p> <p>21 A No.</p> <p>22 Q And the next document that's --</p> <p>23 A SmithKline Beecham made Nicorette. Is</p> <p>24 that what you're asking?</p>	<p style="text-align: right;">Page 33</p> <p>1 BY MR. CRUEGER:</p> <p>2 Q Do you know what was in the --</p> <p>3 MR. CRUEGER: This is Exhibit 2.</p> <p>4 (Rosen Exhibit No. 2 was marked</p> <p>5 for identification.)</p> <p>6 BY MR. CRUEGER:</p> <p>7 Q I'm going to hand you what is labeled as</p> <p>8 Exhibit 2.</p> <p>9 To save us some time, you don't have to</p> <p>10 read the whole thing. I'm really just going to</p> <p>11 ask you about the first page.</p> <p>12 A Well, let me read the first page. This</p> <p>13 is a document from 2002. And as I look at it, I</p> <p>14 have no memory of it. (Peruses document.)</p> <p>15 Q So, this is right about right after you</p> <p>16 were hired in December of 2001, correct?</p> <p>17 MR. SNAPP: Let me just make sure, have</p> <p>18 you had a chance to look at the document?</p> <p>19 THE WITNESS: I haven't. Let me just</p> <p>20 read the first page.</p> <p>21 BY MR. CRUEGER:</p> <p>22 Q Oh, first page -- by the first page, I</p> <p>23 meant the cover page.</p> <p>24 A Oh.</p>

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1 Q Yeah, even -- even less for you to read.
 2 A Well, I -- I would like to just
 3 familiarize myself with what I'm reading because I
 4 don't --
 5 Q Sure.
 6 A -- have any memory of it whatsoever.
 7 (Peruses document.)
 8 I do see the date is 11/16/02. So, yes,
 9 I had been at Purdue some months, yes.
 10 Q And this is just a document, and you had
 11 forwarded it to your -- an AOL.com address?
 12 A Yes.
 13 Q Do you still have that AOL.com address?
 14 A I don't believe I do have that AOL.com
 15 address. I don't.
 16 Q Do you have a personal e-mail address
 17 that --
 18 A I have one, but I don't use it often.
 19 I mostly use my Purdue.
 20 Q Do you use your personal e-mail address
 21 for work at all?
 22 A I -- I don't. And I wouldn't -- I have
 23 no idea why this was sent to my AOL.
 24 Q Do you have -- I assume you have a cell

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1 phone, correct?
 2 A I do.
 3 Q Do you use your cell phone for -- is it
 4 a Purdue cell phone, by the way?
 5 A Yes.
 6 Q Just to remind you, I do have to finish
 7 the sentence before you --
 8 A Sorry.
 9 Q -- respond. Your eagerness is
 10 appreciated, though.
 11 A You're welcome.
 12 Q Do you use your cell phone for texting?
 13 A I do text, but not too frequently.
 14 Q Do you use it for texting for work?
 15 A Primarily for my family, friends.
 16 Q Did you search your texts at all for
 17 producing documents in this case?
 18 A I did not.
 19 Q Did anyone ask you to?
 20 A Not that I recall, no.
 21 Q So you started at Purdue in December
 22 2001. You were still here in D.C.?
 23 A Yes.
 24 Q Did Purdue have a D.C. office at the

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1 time?
 2 A No. I opened one.
 3 Q And how many people were in the office
 4 when you opened it?
 5 A Me.
 6 Q Did you hire anyone else?
 7 A I hired an admin some months after.
 8 Q What -- what's an admin? Just a
 9 secretary or --
 10 A Yes.
 11 Q Okay. Has the office grown since then?
 12 A I had -- in the early years -- again, I
 13 don't remember the dates -- but I had hired
 14 another person part-time, and she worked in a
 15 professional capacity. But she was a retired
 16 employee, a federal employee, and she only stayed
 17 with the company a year or so. She decided she
 18 really wanted to spend her time -- they had a
 19 house on the shore, and they -- she wanted to
 20 spend her time there.
 21 Q And --
 22 A And then -- I'm sorry. And then last
 23 year, January, I hired a professional with the
 24 idea that he would take my job when I retire.

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1 Q Do you plan on retiring soon?
 2 A Well, I'm turning 70 in two weeks, and I
 3 don't think I'll work forever.
 4 Q Not past 80, huh?
 5 A I certainly -- probably not. I should
 6 never say "certainly." Probably not.
 7 Q So the professional you hired you said
 8 last year, who is that?
 9 A His name is Will Nordwind.
 10 Q He works in the D -- in the D.C. office?
 11 A Yes.
 12 Q And what's his background?
 13 A Will is a lawyer. He came out of a law
 14 firm, Venable Baetjer. Before that he had worked
 15 on Capitol Hill in a couple of different jobs.
 16 Q About how old is he?
 17 A Oh, gosh.
 18 Q You can ballpark it.
 19 A I'm not good at that, but I would say
 20 late forties or early fifties. I never asked him
 21 his age.
 22 Q Do you have an office at Purdue's
 23 headquarters?
 24 A I don't.

<p style="text-align: right;">Page 38</p> <p>1 Q Do you travel there often?</p> <p>2 A Not often. Occasionally.</p> <p>3 Q I actually just -- do you still maintain</p> <p>4 your law license?</p> <p>5 A No. I haven't maintained it for a long</p> <p>6 time.</p> <p>7 Q Okay. So just out of curiosity, you</p> <p>8 don't need to have a law license to be a lobbyist?</p> <p>9 A No, that's not a requirement, and you</p> <p>10 don't have to be a lawyer.</p> <p>11 Q By the way, one of the things I forgot</p> <p>12 to tell you is you can take a break at any time.</p> <p>13 It's not an endurance contest.</p> <p>14 A Thank you.</p> <p>15 Q So the only rule is if I have a question</p> <p>16 pending that I ask that you not take a break.</p> <p>17 So...</p> <p>18 A Certainly.</p> <p>19 Q And just remind you of that, because I'm</p> <p>20 going to take a quick break here.</p> <p>21 A Okay.</p> <p>22 MR. CRUEGER: So if we can just take a</p> <p>23 short break.</p> <p>24 MR. SNAPP: Sure.</p>	<p style="text-align: right;">Page 40</p> <p>1 Must, who is in Connecticut.</p> <p>2 Q Let's actually back it up to when you</p> <p>3 started in like 2001, 2002, who did you originally</p> <p>4 report to?</p> <p>5 A I reported to Howard Udell, who was the</p> <p>6 general counsel of the company.</p> <p>7 Q He's no longer with the company,</p> <p>8 correct?</p> <p>9 A Correct.</p> <p>10 Q When did he leave?</p> <p>11 A I don't remember the year, but it was</p> <p>12 quite some time ago. Many years ago.</p> <p>13 Q And after Mr. Udell, who did you report</p> <p>14 to?</p> <p>15 A I reported to John Stewart, again in</p> <p>16 Connecticut.</p> <p>17 Q What was Mr. Stewart's role at the</p> <p>18 company?</p> <p>19 A He was the chief executive.</p> <p>20 Q How long did you report to Mr. Stewart?</p> <p>21 A Again, I don't remember the number of</p> <p>22 years, but it was -- it was somewhere around three</p> <p>23 to five years, I would just guess.</p> <p>24 Q And then after that, who did you report</p>
<p style="text-align: right;">Page 39</p> <p>1 THE VIDEOGRAPHER: The time is</p> <p>2 9:35 a.m., and we're going off the record.</p> <p>3 (Recess.)</p> <p>4 THE VIDEOGRAPHER: The time is</p> <p>5 9:42 a.m., and we're back on the record.</p> <p>6 BY MR. CRUEGER:</p> <p>7 Q So let's talk about what you do at</p> <p>8 Purdue. Just give me a general overview of what</p> <p>9 your job is.</p> <p>10 A Well, I think it's very similar to what</p> <p>11 I explained to you earlier. I try to monitor</p> <p>12 activities that are occurring in Washington. My</p> <p>13 job is a federal government relations job, and</p> <p>14 many times that is just what I do is monitor. And</p> <p>15 then on occasion I do get involved in either</p> <p>16 something that's happening or -- in terms of</p> <p>17 legislation, or I may proactively, as I said, try</p> <p>18 to put something forward that makes sense from a</p> <p>19 public policy point of view.</p> <p>20 Q And who directs your activities at</p> <p>21 Purdue?</p> <p>22 A Currently?</p> <p>23 Q We will start with currently, yeah.</p> <p>24 A I report to a fellow by the name of Alan</p>	<p style="text-align: right;">Page 41</p> <p>1 to?</p> <p>2 A I reported to a fellow by the name of</p> <p>3 Raul Damas. I don't remember his exact title, but</p> <p>4 he was the head of corporate affairs.</p> <p>5 Q What does that mean?</p> <p>6 A I think he had the communications,</p> <p>7 federal, state, government relations, public</p> <p>8 policy, and maybe some other things reporting to</p> <p>9 him.</p> <p>10 Q So what -- can you maybe just try to</p> <p>11 give me a better idea of what that meant? Like</p> <p>12 what did he do? Like those are all just kind of</p> <p>13 titles. Like what did he do during the day, and</p> <p>14 what would he be --</p> <p>15 A I don't know what he did during the day.</p> <p>16 He was in Connecticut. My job function didn't</p> <p>17 change through that time.</p> <p>18 Q So like how would you know what bills to</p> <p>19 monitor or -- or issues to try to influence? I</p> <p>20 mean who would give you that direction?</p> <p>21 MR. SNAPP: Object to the form.</p> <p>22 THE WITNESS: Pardon me?</p> <p>23 MR. SNAPP: Object to the form.</p> <p>24 You can answer.</p>

<p style="text-align: right;">Page 42</p> <p>1 BY MR. CRUEGER:</p> <p>2 Q He'll just object, and then you can</p> <p>3 answer unless he instructs you not to answer.</p> <p>4 A Okay. Well, as far as monitoring, it</p> <p>5 was -- you know, you tried to monitor whatever you</p> <p>6 thought might be relevant to a pharmaceutical</p> <p>7 company or maybe even to a company generally. And</p> <p>8 of course, when there was something that might</p> <p>9 have an impact on us, you know, we would -- we had</p> <p>10 a process really at Purdue where there was a</p> <p>11 public policy group, and they reviewed the</p> <p>12 policies, you know, the -- the initiatives. In</p> <p>13 our world we call them public policies. And we</p> <p>14 would try to determine, you know, whether or not</p> <p>15 to take a position; and if so, what position to</p> <p>16 take.</p> <p>17 Q And that would be a group of people?</p> <p>18 A It would normally be a group of people,</p> <p>19 yes.</p> <p>20 Q After Raul Damas, who did you report to?</p> <p>21 A It gets a little complicated, just</p> <p>22 because there was transition. I think for a few</p> <p>23 months, Dr. David Haddox, who was up in</p> <p>24 Connecticut, and ran the policy group. Again, I</p>	<p style="text-align: right;">Page 44</p> <p>1 well, since you've known him at Purdue, let's just</p> <p>2 make sure we limit --</p> <p>3 A Okay. Yes.</p> <p>4 Q -- the questions, and they're not his</p> <p>5 entire life. Since he --</p> <p>6 A Yes, state government relations, he has</p> <p>7 worked in it.</p> <p>8 Q And has he always been working in</p> <p>9 federal as well?</p> <p>10 A No, he just took that function over</p> <p>11 whenever he -- I started reporting to him. As I</p> <p>12 said, about a year ago or maybe a little more.</p> <p>13 Q And is Mr. Must Purdue -- in Purdue's</p> <p>14 headquarters in --</p> <p>15 A He is.</p> <p>16 Q -- in Stamford?</p> <p>17 A He is.</p> <p>18 Q Do you know Pamela Bennett?</p> <p>19 A I do.</p> <p>20 Q Does she report to you?</p> <p>21 A No.</p> <p>22 Q Do you know who she reports to?</p> <p>23 A I don't think she works for the company</p> <p>24 anymore.</p>
<p style="text-align: right;">Page 43</p> <p>1 think it was for a few months.</p> <p>2 Then for -- to a woman by the name of</p> <p>3 Josie Martin, who replaced Raul Damas in the</p> <p>4 corporate affairs function, and then that was</p> <p>5 again for a number of months. And then to Alan</p> <p>6 Must, my current direct reporting.</p> <p>7 Q And about how long have you been</p> <p>8 reporting to Alan Must?</p> <p>9 A Probably a year, year and a half.</p> <p>10 Q What's Mr. Must's role in the company?</p> <p>11 A Well, he's -- he's in charge of the</p> <p>12 state government relations, the federal government</p> <p>13 relations, and the policy function.</p> <p>14 Q How long has he worked for Purdue?</p> <p>15 A I don't know exactly, but he predated me</p> <p>16 by a little, not a lot -- a lot, but I don't know</p> <p>17 his starting date.</p> <p>18 Q Has he always been working in state</p> <p>19 government relations?</p> <p>20 A Since I've been here, yes. I don't know</p> <p>21 what his --</p> <p>22 Q Has he --</p> <p>23 A -- total background is.</p> <p>24 Q Has he always been working in federal --</p>	<p style="text-align: right;">Page 45</p> <p>1 Q Who did she report to when she worked</p> <p>2 for the company?</p> <p>3 A I believe she worked for Alan Must. I</p> <p>4 think she reported to Alan.</p> <p>5 Q What did -- what did she do at the</p> <p>6 company while you've been there?</p> <p>7 A Pamela is a nurse, and she -- I'm sorry,</p> <p>8 I'm not real good at knowing everybody's titles,</p> <p>9 and I don't even know what her title is, if she</p> <p>10 worked in the advocacy department or -- I don't</p> <p>11 even know if it was advocacy. I'd better not say</p> <p>12 that because I'm not sure.</p> <p>13 Q Well, what did --</p> <p>14 A Her role, which I think is what you're</p> <p>15 interested in, is she interacted with third-party</p> <p>16 organizations outside of the company.</p> <p>17 Q And what does that mean, third-party</p> <p>18 organizations?</p> <p>19 A I don't know the exact organizations. I</p> <p>20 couldn't list them for you.</p> <p>21 Q Okay.</p> <p>22 A But -- I'm sure that there's somebody</p> <p>23 who could answer that for you.</p> <p>24 Q Do you mean individuals or professional</p>

<p style="text-align: right;">Page 46</p> <p>1 organizations?</p> <p>2 A I believe professional organizations,</p> <p>3 yes.</p> <p>4 Q So an organization like the American</p> <p>5 Association for Pain Medicine?</p> <p>6 MR. SNAPP: Objection to form.</p> <p>7 THE WITNESS: I don't know exactly all</p> <p>8 of her organizations, but that could be.</p> <p>9 BY MR. CRUEGER:</p> <p>10 Q I'm going to ask you -- this is more of</p> <p>11 a curiosity question that came up out of looking</p> <p>12 at documents. So there's also a -- there's two</p> <p>13 other people named Rosen at the company. Are you</p> <p>14 related to any of them?</p> <p>15 A Gee, I -- oh, I know who the two are.</p> <p>16 I'm sorry. I was thinking I knew one. Yes, I</p> <p>17 know both of them, but I am not related to any of</p> <p>18 them. No.</p> <p>19 (Rosen Exhibit No. 3 was marked</p> <p>20 for identification.)</p> <p>21 BY MR. CRUEGER:</p> <p>22 Q So I think we're on Exhibit 3.</p> <p>23 A (Peruses document.)</p> <p>24 Q You have to tell me when you're done.</p>	<p style="text-align: right;">Page 48</p> <p>1 Q And the first goal says: "Ensure that</p> <p>2 Purdue products are available to patients without</p> <p>3 unnecessary restrictions, and that appropriate and</p> <p>4 effective pain care and pain medicines are</p> <p>5 accessible to patients and healthcare</p> <p>6 professionals."</p> <p>7 I always ask this: I read that</p> <p>8 correctly, right?</p> <p>9 A Those are the words, yes.</p> <p>10 Q And the second goal you have is: "To</p> <p>11 assist Purdue in revenue," correct?</p> <p>12 A Yes.</p> <p>13 Q And -- "and in finding new products."</p> <p>14 What does that mean?</p> <p>15 A Well, I think it was recognized at</p> <p>16 Purdue that, you know, we're a small company, that</p> <p>17 we had a limited number of products, and that we</p> <p>18 needed to diversify our portfolio.</p> <p>19 Q Were you ever successful in helping the</p> <p>20 company find new products?</p> <p>21 A Well, as you've heard from my</p> <p>22 background, I worked for a number of</p> <p>23 pharmaceutical companies over a long period of</p> <p>24 time, and I have, you know, a lot of friends and</p>
<p style="text-align: right;">Page 47</p> <p>1 A I'm sorry. I finished reading the</p> <p>2 document.</p> <p>3 Q That's okay.</p> <p>4 So this is a June 27th, 2005 e-mail with</p> <p>5 an attachment, correct?</p> <p>6 A Yes, it is.</p> <p>7 Q And it's just -- it's from you to you,</p> <p>8 correct?</p> <p>9 A It is. I'm trying to figure out why,</p> <p>10 but, yes, it is.</p> <p>11 Q And if you go to the -- the second page,</p> <p>12 the one that says "Objectives 2005." And there's</p> <p>13 both -- two paragraphs: One that's a situation</p> <p>14 statement, and the other is goal.</p> <p>15 Did you write those paragraphs?</p> <p>16 A I don't remember writing this document,</p> <p>17 but I see that it's my document with my name on</p> <p>18 it.</p> <p>19 Q Well, who -- who would set your goals at</p> <p>20 Purdue, was that you or was that somebody else?</p> <p>21 A It would be collaborative.</p> <p>22 Q Collaborative with who?</p> <p>23 A With my superior, with Howard Udell in</p> <p>24 this case.</p>	<p style="text-align: right;">Page 49</p> <p>1 contacts in the industry, and I tried to use those</p> <p>2 to introduce different people to the -- this was</p> <p>3 not really my area of responsibility, but my role</p> <p>4 or my value was to just try to introduce people</p> <p>5 who may have products that they were interested in</p> <p>6 selling or -- I had friends from other companies</p> <p>7 that worked in what I would call venture firms</p> <p>8 that were developing products or had investments</p> <p>9 in new companies with new products, and so mostly</p> <p>10 my role there was introducing people to people.</p> <p>11 Q And the other part is "Assisting Purdue</p> <p>12 in preserving revenue."</p> <p>13 What does that mean?</p> <p>14 A It would mean just what it is, that</p> <p>15 there was -- there were different times where</p> <p>16 there might be a -- a tax provision, a rebate</p> <p>17 provision, a -- and really just to be a cost-</p> <p>18 effective company, to try to operate my own</p> <p>19 function as cost effectively as possible.</p> <p>20 Q Does "preserving revenue" mean</p> <p>21 maintaining -- helping Purdue maintain sales?</p> <p>22 A Well, as you see from the first bullet,</p> <p>23 my goals in public policy were really to attempt</p> <p>24 to -- to allow patients who needed these products</p>

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1 and benefitted from them, to continue to have
2 access to them, and at the same time to do what I
3 could in the realm of public policy to mitigate
4 the diversion, the misuse and the abuse of -- of
5 our products.
6 Q By "products," you mean opioids?
7 A I do.
8 Q Primarily OxyContin, correct?
9 A Well, OxyContin was the largest opioid,
10 yes.
11 Q By the way, prior -- prior to coming to
12 Purdue, had you worked on anything that was
13 related to opioids in your previous jobs?
14 A No.
15 Q How about in the treatment of pain?
16 A Oh, gosh. I -- well, it would be hard
17 for me to go through all my jobs and all my
18 companies and all the products, but I do remember
19 that, for example, Pfizer made a product called
20 Feldene, which was an antiinflammatory --
21 nonsteroidal antiinflammatory, which would treat
22 pain.
23 And of course, I mentioned to you that a
24 variety of companies that I worked for had

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1 over-the-counter products and made essentially
2 aspirin products. Like Excedrin I think was a
3 Bristol-Myers product.
4 So in that sense, yes is my answer.
5 Q But Purdue is the first time you started
6 working with opioids, correct?
7 A Yes.
8 Q Did you have any expertise in opioids
9 before you came to Purdue?
10 A No, I didn't.
11 Q Did you really know anything about
12 opioids before you came to Purdue?
13 A Not really.
14 [REDACTED]
15 [REDACTED]
16 [REDACTED]
17 [REDACTED]
18 [REDACTED]
19 [REDACTED]
20 [REDACTED]
21 [REDACTED]
22 Q So, let's do the next one.
23 (Rosen Exhibit No. 4 was marked
24 for identification.)

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1 THE WITNESS: Are you through with this?
2 BY MR. CRUEGER:
3 Q Yes. So just to let you know, if you
4 just collect them in a pile there, occasionally
5 we'll refer back to them, but also the court
6 reporter takes them at the end of the day. So...
7 Now, the document I've handed you is
8 Exhibit 4, and these are guidelines, correct?
9 A They are stated, Interagency Guidelines
10 on Opioid Dosing for Chronic Non-Cancer Pain.
11 Q And they're published by the State of
12 Washington, correct?
13 A I see here at the bottom, "Washington
14 State Agency Medical Directors Group, March 2007."
15 Q Do you recall these guidelines?
16 A I do not. I don't ever recall seeing
17 this document.
18 Q Do you recall the State of Washington
19 issuing guidelines on prescribing opioids?
20 A I recall that the State of Washington
21 was active in initiating guidelines. I -- I don't
22 recall this, though. I don't -- I've never seen
23 this document, to the best of my knowledge.
24 Q Do you recall what Purdue's reaction to

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1 the guidelines was?
2 A I don't.
3 (Rosen Exhibit No. 5 was marked
4 for identification.)
5 BY MR. CRUEGER:
6 Q I'm just going to hand you what's
7 Exhibit 5.
8 Have you seen this document before?
9 A I do not recall seeing this document
10 before. I don't see a date on it.
11 Q I will tell you it's from the Centers
12 for Disease Control website.
13 A Okay.
14 Q Are you aware of the rise in
15 prescription opioid deaths over the years?
16 MR. SNAPP: Object to the form.
17 THE WITNESS: I'm generally familiar,
18 but I'm not -- you know, I'm not conversant in the
19 statistics.
20 Do you know what date this was
21 published?
22 BY MR. CRUEGER:
23 Q It's currently on their website, so --
24 A Oh, it's currently on their website.

<p style="text-align: right;">Page 54</p> <p>1 Okay. Thank you.</p> <p>2 Q Are you aware of the increase in abuse</p> <p>3 of OxyContin over the years?</p> <p>4 A I'm aware of OxyContin's use. I mean</p> <p>5 it's basically been a fairly flat sales line over</p> <p>6 its lifetime. It rose obviously in the beginning,</p> <p>7 and then it's been relatively flat.</p> <p>8 Q Are you aware of the increase in the</p> <p>9 abuse of opioids over the past decade in the</p> <p>10 United States?</p> <p>11 MR. SNAPP: Object to the form.</p> <p>12 THE WITNESS: I am aware that opioids</p> <p>13 are abused, and there is an increase in substance</p> <p>14 abuse disorder.</p> <p>15 BY MR. CRUEGER:</p> <p>16 Q Are you aware of the increase in</p> <p>17 prescriptions of opioids over the past decade?</p> <p>18 MR. SNAPP: Object to the form.</p> <p>19 THE WITNESS: I'm generally familiar</p> <p>20 with -- I've seen charts over the past with a rise</p> <p>21 in the number of prescriptions, and then in -- and</p> <p>22 then in the fall, the decline in the number of</p> <p>23 prescriptions.</p> <p>24 BY MR. CRUEGER:</p>	<p style="text-align: right;">Page 56</p> <p>1 entire document.</p> <p>2 MR. SNAPP: You could have sent us the</p> <p>3 documents in advance, and he could have reviewed</p> <p>4 them ahead of time, but we didn't get those, so --</p> <p>5 MR. CRUEGER: Well, I didn't get 2,500</p> <p>6 documents until last night, so...</p> <p>7 We'll just go off the record for about</p> <p>8 five minutes while you review the document, okay?</p> <p>9 MR. SNAPP: And we object to going off</p> <p>10 the record, and we count this time against your</p> <p>11 seven hours.</p> <p>12 THE VIDEOGRAPHER: I've just got to make</p> <p>13 sure, to be clear, with the rules, I have to have</p> <p>14 an agreement to go off the record, so --</p> <p>15 MR. SNAPP: We don't agree.</p> <p>16 MR. CRUEGER: Okay. Can you mark the</p> <p>17 time?</p> <p>18 THE VIDEOGRAPHER: All right.</p> <p>19 MR. CRUEGER: Okay.</p> <p>20 THE WITNESS: (Peruses document.)</p> <p>21 MR. SNAPP: Is there a specific portion</p> <p>22 of this document you would like Mr. Rosen to be</p> <p>23 able to answer questions on, Chuck? Maybe he</p> <p>24 doesn't need to read the entire thing, but --</p>
<p style="text-align: right;">Page 55</p> <p>1 Q So you're aware that there is what some</p> <p>2 people are referring to as an opioid epidemic in</p> <p>3 the United States?</p> <p>4 A Of course.</p> <p>5 MR. SNAPP: Object to the form.</p> <p>6 BY MR. CRUEGER:</p> <p>7 Q Do you believe it's an epidemic?</p> <p>8 A I'm not really qualified to say, you</p> <p>9 know, what is an epidemic or not. It's a serious</p> <p>10 problem.</p> <p>11 Q If you go back to Exhibit 4, which is</p> <p>12 the Washington guidelines.</p> <p>13 A Yes. Should I take some time here and</p> <p>14 read them? I don't -- I'm not familiar with this</p> <p>15 document or with the guideline.</p> <p>16 Q Well, sure. You know, we can just</p> <p>17 take -- if you want to look at the guideline, we</p> <p>18 can just take a two-minute break, five-minute</p> <p>19 break off the record, and you can look through it.</p> <p>20 MR. SNAPP: Well, I would prefer that we</p> <p>21 stay on the record.</p> <p>22 MR. CRUEGER: I prefer that we not spend</p> <p>23 a lot of time reading documents if he says he's</p> <p>24 not familiar with them and wants to read the</p>	<p style="text-align: right;">Page 57</p> <p>1 MR. CRUEGER: Well, if he just wants to</p> <p>2 look at the -- the summary of the recommendations</p> <p>3 on page 2, that would be fine. But it's whatever</p> <p>4 he feels comfortable doing.</p> <p>5 THE WITNESS: (Peruses document.)</p> <p>6 I'm unclear what you are asking me to</p> <p>7 do. So I've now looked at page 2 and the summary</p> <p>8 on page 3. Is that what you're asking me?</p> <p>9 BY MR. CRUEGER:</p> <p>10 Q Oh, sure. I just want to make sure</p> <p>11 you're comfortable. You said you wanted to read</p> <p>12 the --</p> <p>13 A Well, I -- how about if you start, and</p> <p>14 if I need to read the rest, I'll read it. I'm not</p> <p>15 familiar with the document, and this is the first</p> <p>16 time that I believe I've ever seen it. So...</p> <p>17 Q Well, do you recall Purdue's reaction to</p> <p>18 this document?</p> <p>19 A I don't.</p> <p>20 (Rosen Exhibit No. 6 was marked</p> <p>21 for identification.)</p> <p>22 BY MR. CRUEGER:</p> <p>23 Q I'll hand you what's labeled Exhibit 6,</p> <p>24 I believe.</p>

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1 And just if you can look at the -- the
 2 first page, which ends in numbers 96, of the
 3 e-mail, and then just the last paragraph on the
 4 page that ends in 98. I won't read the entire
 5 Bates number in.
 6 A (Peruses document.)
 7 Q Oh, the last paragraph. Sorry. You
 8 don't need to read the entire -- if you want to,
 9 that's fine.
 10 A The last paragraph of what?
 11 Q Page 98 -- the last -- page 98, I think
 12 is the page you're looking at. It says "Pain Care
 13 Forum Meeting Summary."
 14 A Sure. (Peruses document.) Okay.
 15 Q If you look --
 16 A Do I need to read the rest of this or --
 17 Q No.
 18 If you look on the first page,
 19 Mr. Rosen. Just to be clear, this is an e-mail
 20 from Solana Shaw, correct?
 21 A Yes.
 22 Q Who was that?
 23 A She was my secretary, my admin.
 24 Q And you're on the bcc, if you look two

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1 lines above her name, correct?
 2 A I am.
 3 Q And this was sent out on May 11th, 2007,
 4 correct?
 5 A That is correct.
 6 Q And it refers to "PCF May Meeting
 7 Minutes." Is PCF the Pain Care Forum?
 8 A Yes.
 9 Q Let's talk a second about the Pain Care
 10 Forum. What is the Pain Care Forum?
 11 A The Pain Care Forum was a group of
 12 organizations that came together and they
 13 facilitated a meet- -- meetings to share
 14 information and to exchange points of view.
 15 Q You used the past tense. Is it
 16 currently in existence?
 17 A It is in existence.
 18 Q Does it still meet?
 19 A It does. It meets once a month for an
 20 hour.
 21 Q And were you one of the people who
 22 founded the Pain Care Forum?
 23 A I am one of the people who helped
 24 organize it, yes.

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1 Q When was that?
 2 A I don't recall the date, but it was -- I
 3 believe it was around 2005.
 4 Q And was it your idea to organize the
 5 Pain Care Forum?
 6 A No. And I don't know exactly whose idea
 7 it was. There was a small group of people that
 8 were talking, I was one of them, and the
 9 suggestion was made I believe by -- I can't say
 10 who it was. I don't -- it was not by me, but the
 11 idea was to try to expand a larger group for the
 12 purpose that I just stated, to share information
 13 and exchange ideas.
 14 Q Is the Pain Care Forum, is it an actual
 15 entity or is it just a name?
 16 A It's just a name.
 17 Q Does the Pain Care Forum have a budget?
 18 A There's no budget. The -- and I had
 19 better explain that. The -- the Pain Care Forum
 20 was voluntary on everybody's part. Anyone who
 21 pretty much wanted to participate could. And when
 22 it was organized, it was asked that people make a
 23 voluntary contribution. And it was asked that no
 24 one make a contribution greater than \$2,000 on an

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1 annual basis, and that was because the goal was to
 2 have one meeting a month for an hour, as I
 3 mentioned, and the goal was to have a speaker at
 4 least every quarter, and the budget was to
 5 basically pay for lunch.
 6 Q Does the Pain Care Forum -- does it
 7 actually hire any outside entities?
 8 A No.
 9 Q Does it pay any lobbyists as an entity?
 10 A No.
 11 Q It has no employees?
 12 A No employees.
 13 Q So how do you join the Pain Care Forum?
 14 A In essence, the way it worked with --
 15 and I guess still works, is that if someone wanted
 16 to join, an organization wanted to join, they
 17 simply sent an e-mail and -- or made a phone call
 18 or both, and they explained what their
 19 organization was in a couple of sentences and that
 20 they wanted to participate. It was a fairly
 21 informal process.
 22 Q Was the HDMA -- are they a member of the
 23 Pain Care Forum?
 24 A The HDMA, the -- wholesale distributors,

<p style="text-align: right;">Page 62</p> <p>1 they -- they've changed their name. I can't</p> <p>2 remember what it is right now.</p> <p>3 Q Yeah.</p> <p>4 A But they did participate in the Pain</p> <p>5 Care Forum.</p> <p>6 Q And how long did they participate?</p> <p>7 A I can't -- I don't know. I can't say.</p> <p>8 I'd have to --</p> <p>9 Q The American Academy of Pain Management</p> <p>10 still participates in the Pain Care Forum?</p> <p>11 A They participate in the Pain Care Forum.</p> <p>12 Q The American Academy of Pain Medicine,</p> <p>13 they still participate in the Pain Care Forum?</p> <p>14 A I believe so. You know, I -- I don't</p> <p>15 know the dates that someone started or ended or --</p> <p>16 Q Yeah.</p> <p>17 A -- and I honestly can't name every</p> <p>18 organization. But I believe they still</p> <p>19 participate.</p> <p>20 Q Why don't you just name a few</p> <p>21 organizations, and I don't really care about the</p> <p>22 dates as much that they participated. It's just</p> <p>23 whether they were in the Pain Care Forum.</p> <p>24 So the RADARS System, they were in the</p>	<p style="text-align: right;">Page 64</p> <p>1 Group?</p> <p>2 A Yes.</p> <p>3 Q Let's see. The American Pain</p> <p>4 Foundation?</p> <p>5 A Yes.</p> <p>6 Q The American Pain Society was also a</p> <p>7 member?</p> <p>8 A I'm pretty sure they were. Again, I'm</p> <p>9 sorry, but I confuse a lot of the acronyms and the</p> <p>10 names because they're similar.</p> <p>11 Q And Abbott Laboratories participated in</p> <p>12 the Pain Care Forum, correct?</p> <p>13 A Abbott did, yes.</p> <p>14 Q Endo participated in the Pain Care</p> <p>15 Forum?</p> <p>16 A Endo, yes.</p> <p>17 Q Johnson & Johnson did?</p> <p>18 A Yes.</p> <p>19 Q Teva was a participant in the Pain Care</p> <p>20 Forum?</p> <p>21 A I'm -- we have a list somewhere of the</p> <p>22 participants. I think Teva was. But I honestly</p> <p>23 am -- I'm sorry, yes, Teva did. I do remember. I</p> <p>24 was trying to think of individuals.</p>
<p style="text-align: right;">Page 63</p> <p>1 Pain Care Forum?</p> <p>2 A They were participating.</p> <p>3 Q Well, why? What was their interest in</p> <p>4 the Pain Care Forum?</p> <p>5 A Again, I --</p> <p>6 MR. SNAPP: Objection.</p> <p>7 THE WITNESS: The RADARS System tracked</p> <p>8 poison control centers. It was a system out at</p> <p>9 the University of Colorado. Or one of the health</p> <p>10 systems in Colorado. I'm not sure which -- which</p> <p>11 one. And of course, they had an interest in</p> <p>12 tracking drug abuse, and they had an interest in</p> <p>13 sharing information and exchanging points of view.</p> <p>14 BY MR. CRUEGER:</p> <p>15 Q And that was a company started by</p> <p>16 Purdue, correct?</p> <p>17 A RADARS was started by Purdue many years</p> <p>18 ago, and then it was gifted or given away, to the</p> <p>19 best of my knowledge, to the health system in</p> <p>20 Colorado.</p> <p>21 Q The Federation of State Medical Boards</p> <p>22 was a member of the Pain Care Forum?</p> <p>23 A They did participate.</p> <p>24 Q The Wisconsin Pain & Policy Studies</p>	<p style="text-align: right;">Page 65</p> <p>1 Q So was Richard Sackler, have you -- have</p> <p>2 you met Richard Sackler?</p> <p>3 A I have.</p> <p>4 Q Was he involved in setting up the Pain</p> <p>5 Care Forum?</p> <p>6 A Not at all, to my knowledge.</p> <p>7 Q Did you ever talk to him about the Pain</p> <p>8 Care Forum?</p> <p>9 A I don't think I ever had a personal</p> <p>10 conversation with Richard about the Pain Care</p> <p>11 Forum, none that I remember.</p> <p>12 Q How about a conversation that wasn't</p> <p>13 personal?</p> <p>14 A Well, I might have mentioned the Pain</p> <p>15 Care Forum at a board meeting, if that's what you</p> <p>16 mean.</p> <p>17 Q So you attended Purdue board meetings?</p> <p>18 A I have attended Purdue board meetings,</p> <p>19 but I don't attend them as a rule.</p> <p>20 Q And why would you attend Purdue board</p> <p>21 meetings?</p> <p>22 A I might be asked to, you know, inform</p> <p>23 the board what was going on in Washington, you</p> <p>24 know, information.</p>

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1 Q Do you -- you said you -- the Pain Care
2 Forum meets regularly. They meet here in D.C.?
3 A The Pain Care Forum has -- has basically
4 rotated its meeting place. It has met in a
5 variety of conference rooms, and when -- I'm
6 explaining because when it meets, some people show
7 up in person and others are on the telephone.
8 There's a conference call number. And so some
9 people meet in person. Some people participate
10 over the telephone, because a number of the people
11 who participate don't live in Washington.
12 Q Is there a document that has like the
13 dates that companies would have participated in
14 the Pain Care Forum?
15 A I don't know if there's a document or
16 not that says that. I mean the Pain Care Forum
17 didn't -- to my knowledge, didn't keep a record in
18 that fashion.
19 Q But you did keep, as you see on
20 Exhibit 6, meeting minutes for the Pain Care
21 Forum, correct?
22 A No. In fact, this surprised me. There
23 was no formal keeping of minutes, but apparently
24 somebody from the APF, the American Pain

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1 Foundation, took minutes, but -- and of course,
2 any individual who participated was free to do as
3 they pleased. But, no, there was no formal minute
4 taking or record.
5 Q And did you decide what issues the Pain
6 Care Forum would address?
7 A Did who decide?
8 MR. SNAPP: Object to the form.
9 BY MR. CRUEGER:
10 Q Well, I assume the meetings would have
11 an agenda, correct?
12 A Yes.
13 Q And who would set the agenda?
14 A Well, the agenda was set collectively.
15 Our typical practice was about a week or so before
16 a meeting, an e-mail would go to the group and
17 say, Does anybody have an agenda item? There was
18 no screening. If anyone had an agenda, it was
19 placed on -- I'm sorry, an issue that they wanted
20 to talk about, it was automatically placed on the
21 agenda with their name by it, you know, in
22 parentheses.
23 And then at the meeting, we just went
24 through that agenda, and as the issue arose, I

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1 would, you know, call on whoever it was to speak.
2 You know, that John Smith had this issue, would
3 you go ahead and tell the forum what you want to
4 tell them. And that's how it worked. So it was a
5 collective forum -- or agenda setting.
6 Q And the -- the topics largely revolved
7 around opioids, correct?
8 A A lot of the topics revolved around
9 opioids, and -- and really around what I had
10 stated earlier, the appropriate use of opioids for
11 patients who benefitted from them. And also
12 the -- the issues surrounding how to try to
13 mitigate the diversion issues and abuse of the
14 products. I mean, they kind of -- it's hard to
15 talk about one without the other sometimes.
16 Q And when -- about when did the Pain Care
17 Forum start?
18 A Well, I think I said it was around 2005,
19 but I don't remember the exact date. I'm sure
20 there's a record somewhere that would tell you
21 that.
22 Q And would you start talk -- were you
23 talking about diversion in 2005?
24 A Well, I've been talking about diversion

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1 since the time I started at Purdue.
2 Q But is that a "yes," that the Pain Care
3 Forum, they would be talking about --
4 A I'm sure that the issue -- I mean I
5 can't remember every meeting over whatever it was,
6 13, 14 years, but I'm sure that the topic came up,
7 yes.
8 Q Again, just a reminder --
9 A I'm confident that it came up.
10 Q Just as a reminder, I have to finish the
11 sentence --
12 A I'm sorry.
13 Q -- before you start.
14 Yep. No, it's hard to do. It's not a
15 regular conversation.
16 Was the HDMA involved in these
17 discussions about diversion?
18 A I'm sure they would be if -- if the --
19 you know, when you say involved, I mean, everyone
20 was there to listen and learn, and some people
21 spoke out and others didn't. So I couldn't say at
22 any given time.
23 Q Mallinckrodt was a member of the Pain
24 Care Forum too, weren't they?

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1 A Again, I believe they were.
 2 Q Did Cardinal -- Cardinal Health ever
 3 attend the Pain Care -- Pain Care Forum?
 4 A I don't recall Cardinal participating.
 5 Q How about McKesson?
 6 A It -- I don't recall.
 7 Q How about any of the other HDMA members?
 8 A I don't recall any specific company.
 9 Q Can you just briefly explain what the
 10 HDMA is?
 11 A It's a trade association that represents
 12 drug wholesalers.
 13 Q And what are drug wholesalers? Can you
 14 name a few?
 15 A You just did. McKesson, Cardinal. They
 16 take shipments from manufacturers generally and
 17 they distribute it to pharmacies, of all kinds of
 18 drugs.
 19 Q So why were they interested in the Pain
 20 Care Forum?
 21 MR. SNAPP: Object to the form.
 22 THE WITNESS: I guess you'd have to ask
 23 them. I don't know.
 24 BY MR. CRUEGER:

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1 Q Did you -- did you invite the HDMA or
 2 did they ask to participate?
 3 A I don't recall that. I -- I think when
 4 the Pain Care Forum began, there were somewhere
 5 around 20 organizations that participated
 6 initially. And then over time, groups would come
 7 in. I don't recall who asked to come or who was
 8 invited to come or --
 9 Q And who at the HDMA would regularly
 10 participate in these meetings?
 11 A Oh, gosh. What -- I -- there were
 12 different people at different times. I think
 13 probably a woman by the name of Anita Ducca, I
 14 think she was in their regulatory group, but I'm
 15 not certain. And I'm sure there would be a record
 16 of that in the e-mails.
 17 Q And the meetings of the Pain Care Forum
 18 are -- are secret, aren't they?
 19 MR. SNAPP: Object to the form.
 20 THE WITNESS: No, there was nothing
 21 secret about them.
 22 BY MR. CRUEGER:
 23 Q Does the Pain Care Forum have a website?
 24 A No.

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1 Q It's not held in an open -- a place
 2 that's generally open to the public, correct?
 3 A That's correct. It was, as I explained,
 4 in a conference room at different places. Some
 5 people would attend in person, and there was an
 6 open phone. We didn't take the roll. We simply
 7 announced who was in the room so that people on
 8 the phone would know who they were talking to, and
 9 we asked people on the phone to announce who was
 10 on the phone so we would know who was talking.
 11 But there was no rollcall. We had no idea who was
 12 on the phone or how many people were in the room.
 13 Q And the meetings for the Pain Care
 14 Forum, you wouldn't publicly announce them,
 15 correct?
 16 A They weren't publicly announced. They
 17 were e-mailed.
 18 Q And as you said, generally they
 19 weren't -- you also did not take meeting minutes
 20 for the meetings, correct?
 21 A There were no official meeting minutes.
 22 As I said, I was a little surprised to see this,
 23 but obviously this person from the American Pain
 24 Foundation had taken minutes of the 2007 meeting.

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1 Q And if you look at Exhibit 6, it's
 2 marked as "Confidential," correct?
 3 A I don't know where that would have come
 4 from, but it is marked as "Confidential." That's
 5 not my marking obviously.
 6 MR. CRUEGER: Well, we've been at it for
 7 about an hour, so why don't we take a break.
 8 THE VIDEOGRAPHER: The time is
 9 10:32 a.m. We're going off the record.
 10 (Recess.)
 11 THE VIDEOGRAPHER: The time is
 12 10:48 a.m., and we're back on the record.
 13 BY MR. CRUEGER:
 14 Q So, Mr. Rosen, I just want to make a few
 15 different things clear, so -- about this Pain Care
 16 Forum. So I'm correct it consisted of opioid
 17 manufacturers, correct?
 18 A There were opioid manufacturers.
 19 Q So like Endo was an opioid manufacturer,
 20 correct?
 21 A They made opioids, yes.
 22 Q Mallinckrodt is a manufacturer of
 23 opioids, correct?
 24 A Yes.

<p style="text-align: right;">Page 74</p> <p>1 Q So is Teva, correct?</p> <p>2 A Yes.</p> <p>3 Q And the HDMA, who represented wholesale</p> <p>4 distributors, they also participated in the Pain</p> <p>5 Care Forum?</p> <p>6 A They did.</p> <p>7 Q And those are the people who distributed</p> <p>8 opioids, correct?</p> <p>9 A That's correct.</p> <p>10 Q And including Purdue's opioids, correct?</p> <p>11 A I -- yes, I would assume so.</p> <p>12 Q And the Federation of State Medical</p> <p>13 Boards was a member, correct?</p> <p>14 A That's correct.</p> <p>15 Q And the Federation of State Medical</p> <p>16 Boards, they issued guidelines on opioid</p> <p>17 prescribing, correct?</p> <p>18 A They -- my understanding is, is that the</p> <p>19 Federation of State Medical Boards represents</p> <p>20 state medical boards and state -- and they -- the</p> <p>21 state medical boards I think set regulations for</p> <p>22 doctors.</p> <p>23 Q And the Federation of State Medical</p> <p>24 Boards is a private organization, correct?</p>	<p style="text-align: right;">Page 76</p> <p>1 Caverly, yes.</p> <p>2 Q And would he participate in Pain Care</p> <p>3 Forum meetings?</p> <p>4 A Not to my recollection. My best</p> <p>5 recollection is, is that he came with others.</p> <p>6 Oftentimes more than one person would come and</p> <p>7 speak, and I think that -- I know that the DEA</p> <p>8 came more than once to speak at the Pain Care</p> <p>9 Forum.</p> <p>10 Q Nathaniel Katz, do you know who that is?</p> <p>11 A I don't know Nathaniel Katz. I've heard</p> <p>12 his name. I believe he's a physician.</p> <p>13 Q Did he ever participate in the Pain Care</p> <p>14 Forum?</p> <p>15 A I don't recall. I don't recall him</p> <p>16 participating. Honestly, I don't remember whether</p> <p>17 he participated even as a speaker, but I -- I just</p> <p>18 don't recall.</p> <p>19 Q And the main issues that were discussed</p> <p>20 at the Pain Care Forum, they're all about opioids,</p> <p>21 correct?</p> <p>22 A Well, I think you have probably seen the</p> <p>23 agendas, and the discussion, I think it's fair to</p> <p>24 say, revolved around the topic that I said, and</p>
<p style="text-align: right;">Page 75</p> <p>1 MR. SNAPP: Object to the form.</p> <p>2 THE WITNESS: I don't know their</p> <p>3 organization structure.</p> <p>4 BY MR. CRUEGER:</p> <p>5 Q So was anyone from the FDA a member of</p> <p>6 the Pain Care Forum?</p> <p>7 A I don't believe so. I don't believe so.</p> <p>8 Q How about anyone from the DEA, the Drug</p> <p>9 Enforcement Agency, did they participate in Pain</p> <p>10 Care Forum meetings?</p> <p>11 A There were -- yes, they participated.</p> <p>12 There were speakers -- as I had mentioned, there</p> <p>13 was a goal to have speakers come every quarter.</p> <p>14 Sometimes we didn't have them every quarter, and</p> <p>15 sometimes we had them other -- you know, not in</p> <p>16 the quarter, but, yes, we had speakers come from</p> <p>17 the FDA, from the DEA.</p> <p>18 Q But how about anyone from the DEA who</p> <p>19 sat in meetings at the Pain Care Forum?</p> <p>20 A I don't recall that anyone from the</p> <p>21 government sat in meetings on a regular basis.</p> <p>22 Q Do you recall a name, I think it's Mark</p> <p>23 Caverly from the U.S. Department of Justice?</p> <p>24 A I -- I think I remember the name Mark</p>	<p style="text-align: right;">Page 77</p> <p>1 that's methods to try to maintain access for</p> <p>2 patients who needed and benefitted from opioids,</p> <p>3 and at the same time to discuss issues that may</p> <p>4 help to mitigate the diversion, misuse and abuse</p> <p>5 of the products.</p> <p>6 Q And just to be clear, there are no --</p> <p>7 there's no more -- no formal meeting minutes, no</p> <p>8 one wrote down what you discussed, correct?</p> <p>9 A That's --</p> <p>10 MR. SNAPP: Object to the form.</p> <p>11 THE WITNESS: That's my understanding,</p> <p>12 yes. As I said before, that there may be</p> <p>13 individuals who kept minutes or kept notes, but</p> <p>14 there was no official minute taking, to my</p> <p>15 knowledge.</p> <p>16 BY MR. CRUEGER:</p> <p>17 Q And at the Pain Care Forum, these</p> <p>18 people, the -- well, also the professional</p> <p>19 organizations were a member of the Pain Care</p> <p>20 Forum, correct?</p> <p>21 MR. SNAPP: Object to the form.</p> <p>22 THE WITNESS: There were professional</p> <p>23 organizations.</p> <p>24 BY MR. CRUEGER:</p>

<p style="text-align: right;">Page 78</p> <p>1 Q And those professional organizations 2 also, like the American Pain Foundation, would 3 promote opioid use, correct? 4 MR. SNAPP: Object to the form. 5 THE WITNESS: Well, I don't know what -- 6 I was not part of their charter or their meetings, 7 and I don't know what their objectives and goals 8 were. 9 BY MR. CRUEGER: 10 Q Well, what was -- do you -- you know 11 what the American Pain Foundation is, correct? 12 A They represented pain patients is my 13 understanding, and I think they had involvement 14 from doctors who treated pain. But I'm not 15 conversant on what the pain -- American Pain 16 Foundation's goals and -- 17 Q So did you know the -- the head of the 18 American Pain Foundation? 19 A Well, I think when I came here, there -- 20 I did know the head of the -- the executive 21 director or whatever his title was. I think there 22 were more than one in my time at Purdue. 23 Q And isn't it fair to say that the Pain 24 Care Forum, you would be discussing policies that</p>	<p style="text-align: right;">Page 80</p> <p>1 MR. SNAPP: Object to the form. 2 THE WITNESS: I said before that the 3 Pain Care Forum was meant to convene meetings so 4 that a variety of organizations could share 5 information and exchange ideas. And sometimes we 6 had lunch. 7 BY MR. CRUEGER: 8 Q And at the Pain Care Forum, you would 9 also discuss policies that would impact the 10 distribution of opioids, correct? 11 MR. SNAPP: Object to the form. 12 THE WITNESS: I don't recall every 13 subject that was discussed, but I wouldn't be 14 surprised. 15 BY MR. CRUEGER: 16 Q Do you recall any policies that would 17 have had an impact on opioid distribution that 18 were discussed at the Pain Care Forum? 19 A Not specifically, I don't. 20 Q Is it fair to say that the -- one of the 21 purposes of the Pain Care Forum was to coordinate 22 policies amongst manufacturers, distributors and 23 professional organizations? 24 MR. SNAPP: Object to the form.</p>
<p style="text-align: right;">Page 79</p> <p>1 impact opioids, correct? 2 A I think we would be sharing information 3 and discussing -- having points of view on 4 policies that might affect opioids, yes. 5 Q And policies that would affect opioid 6 sales, correct? 7 MR. SNAPP: Object to the form. 8 THE WITNESS: I don't recall any -- ever 9 having conversations where sales were discussed. 10 As I said, I think it was where medicines were 11 appropriately available for patients who needed 12 them and benefitted from them. 13 BY MR. CRUEGER: 14 Q But the Pain Care Forum, you don't 15 commission medical studies, correct? 16 A Not to my knowledge. The Pain Care 17 Forum did not, no. 18 Q Do you think the Pain Care Forum could 19 have commissioned medical studies without your 20 knowledge? 21 A I doubt it. There was no budget to do 22 anything other than basically to have lunch. 23 Q Are you trying to say the point of the 24 Pain Care Forum was just to have lunch and --</p>	<p style="text-align: right;">Page 81</p> <p>1 THE WITNESS: I think the purpose was 2 exactly what I said, and that was to share 3 information and exchange points of view. 4 BY MR. CRUEGER: 5 Q Now, you're aware that Purdue had 6 financial ties with a lot of the organizations in 7 the Pain Care Forum? 8 MR. SNAPP: Object to the form. 9 THE WITNESS: I am aware that -- that 10 Purdue made contributions to some of those 11 organizations. 12 BY MR. CRUEGER: 13 Q Well, let's just start with the easier 14 ones, though. The distributors, you had -- Purdue 15 actually had business relationships with 16 distributors who were members of the HDMA, 17 correct? 18 A Yes. 19 Q And you said you were aware that Purdue 20 had made financial contributions, I think is the 21 term you used, to certain professional 22 organizations that were members of the Pain Care 23 Forum, correct? 24 A That's correct.</p>

<p style="text-align: right;">Page 82</p> <p>1 Q How were you aware of that fact?</p> <p>2 A I just understood that there had been</p> <p>3 contributions to participate in their -- I think</p> <p>4 what were called corporate -- there was a name for</p> <p>5 it -- corporate committee or whatever.</p> <p>6 Q And when did you first learn of that?</p> <p>7 A I don't recall when I first learned of</p> <p>8 it.</p> <p>9 Q Do you recall who told you?</p> <p>10 A I don't recall specifically, no.</p> <p>11 Q Do you recall seeing any dollar numbers?</p> <p>12 A I don't recall seeing any dollar</p> <p>13 numbers, no.</p> <p>14 Q Did you ever ask?</p> <p>15 A I never asked.</p> <p>16 Q Is there a reason you never asked?</p> <p>17 A I didn't feel I needed to know.</p> <p>18 Q Why is that?</p> <p>19 A It just didn't seem important to me.</p> <p>20 (Rosen Exhibit Nos. 7 and 8 were</p> <p>21 marked for identification.)</p> <p>22 BY MR. CRUEGER:</p> <p>23 Q I'm giving you what's been labeled as</p> <p>24 Exhibits 7 and 8.</p>	<p style="text-align: right;">Page 84</p> <p>1 the spreadsheet -- by the way, I'll assume it's</p> <p>2 labeled as "Confidential," but since it's an Excel</p> <p>3 spreadsheet, it doesn't print out. It does have</p> <p>4 the Bates label SFC00000001. Actually, I don't</p> <p>5 know if it's confidential.</p> <p>6 A Are you noting that for me, or are</p> <p>7 you --</p> <p>8 Q No, just noting it for the record</p> <p>9 because it's unclear when you print out</p> <p>10 spreadsheets.</p> <p>11 And Exhibit 8 is just the name and then</p> <p>12 the total that's on the other end of the</p> <p>13 spreadsheet that's more closely correlated to the</p> <p>14 name, so we don't have to look at two sheets of</p> <p>15 paper or read them.</p> <p>16 So the first one, the American Pain</p> <p>17 Foundation, we said they're a member of the Pain</p> <p>18 Care Forum, correct?</p> <p>19 A Yes, they participated in the Pain Care</p> <p>20 Forum.</p> <p>21 Q And here it says between '97 and 2012</p> <p>22 that Purdue had provided approximately \$3.6</p> <p>23 million to the American Pain Foundation, correct?</p> <p>24 MR. SNAPP: Object to the form.</p>
<p style="text-align: right;">Page 83</p> <p>1 A Okay. You've given me 8 first and 7.</p> <p>2 Is there a --</p> <p>3 Q The one that's smaller is a summary of</p> <p>4 the other.</p> <p>5 A Okay.</p> <p>6 Q And we'll put the other one --</p> <p>7 MR. SNAPP: Sorry, which one is which?</p> <p>8 MR. CRUEGER: This one, the spreadsheet</p> <p>9 is 7. And the one that's up on the ELMO is 8. We</p> <p>10 only have one copy of that. I apologize. So...</p> <p>11 THE WITNESS: Do you need to make copies</p> <p>12 or --</p> <p>13 MR. CRUEGER: Well, two copies.</p> <p>14 THE WITNESS: What do you want me to do?</p> <p>15 MR. SNAPP: Can I just look at it,</p> <p>16 please?</p> <p>17 THE WITNESS: Yes. Both or --</p> <p>18 MR. SNAPP: I have the other one. Thank</p> <p>19 you.</p> <p>20 BY MR. CRUEGER:</p> <p>21 Q I'll represent to you one is just a</p> <p>22 summary of the figures that are on the -- the</p> <p>23 other one. So...</p> <p>24 The document that's Exhibit 7, which is</p>	<p style="text-align: right;">Page 85</p> <p>1 THE WITNESS: That's what it says.</p> <p>2 BY MR. CRUEGER:</p> <p>3 Q Were you aware of that?</p> <p>4 A I'm not aware of that. This is the</p> <p>5 first time I've seen this document to the best of</p> <p>6 my knowledge.</p> <p>7 Q So were you aware of the levels of</p> <p>8 support that Purdue was providing to these</p> <p>9 organizations who were a member of the Pain Care</p> <p>10 Forum?</p> <p>11 A I was not familiar with the numbers. I</p> <p>12 see this is from 1997 until 2012. And of course,</p> <p>13 I wasn't even here until basically 2002. But, no,</p> <p>14 I was not aware.</p> <p>15 Q And same with the American Academy of</p> <p>16 Pain Medicine, they received approximately</p> <p>17 \$2 million from Purdue, correct?</p> <p>18 A Yes, in that same time period, 1997 to</p> <p>19 2012 is what the document says.</p> <p>20 Q The American Pain Society, they received</p> <p>21 approximately \$3 million from Purdue, correct?</p> <p>22 A That's what it says.</p> <p>23 MR. SNAPP: Object to the form.</p> <p>24 BY MR. CRUEGER:</p>

<p style="text-align: right;">Page 86</p> <p>1 Q American Geriatric Society, it looks 2 like they received about 400-some thousand 3 dollars, correct? 4 A It does say that. I don't recall them 5 participating, though, in the Pain Care Forum. 6 Q Pain & Policy Study Group, though, they 7 participated, correct? 8 A Yes. That's Wisconsin. 9 Q That's the Wisconsin Pain & Policy Study 10 Group, correct. 11 A Yes. 12 Q So that's about \$1.4 million, correct? 13 MR. SNAPP: Object to the form. 14 THE WITNESS: That's what the document 15 says, yes. 16 BY MR. CRUEGER: 17 Q The Federation of State Medical Boards? 18 A Yes. 19 Q That's about \$900,000, is it, correct? 20 MR. SNAPP: Object to the form. 21 THE WITNESS: That's what the number 22 says, yes. 23 BY MR. CRUEGER: 24 Q And above that is the Joint Commission</p>	<p style="text-align: right;">Page 88</p> <p>1 Q Did he participate in Pain Care Forum 2 meetings? 3 A I don't recall him ever participating, 4 no. 5 Q Is there a record that we could ever 6 find out if he participated? 7 A There was no record of -- there was no 8 rollcalls or anything of that nature taken. The 9 only record I could think of is if the person was 10 a speaker, it would have been on the agenda. I 11 don't recall him speaking at the Pain Care Forum. 12 Q And Purdue paid him a substantial amount 13 of money, \$1.4 million, correct? 14 MR. SNAPP: Objection to form. 15 THE WITNESS: That's what the document 16 says. 17 BY MR. CRUEGER: 18 Q Have you ever heard the opinion -- the 19 term "key opinion leader"? 20 A I have heard the term. 21 Q Were -- how have you heard that term 22 used at Purdue? 23 A I've just heard it used. Key opinion 24 leaders, I've heard it referred to.</p>
<p style="text-align: right;">Page 87</p> <p>1 on Accreditation -- on Accreditation, do you know what 2 that is? 3 A I've heard of it, but I've never had any 4 activity or connection with it to my knowledge. 5 Q Did they participate in the Pain Care 6 Forum? 7 A I don't think they did, no. 8 Q And according to this, Purdue provided 9 them about \$2.1 million, correct? 10 A That's what -- 11 MR. SNAPP: Object to the form. 12 THE WITNESS: -- the document says. 13 BY MR. CRUEGER: 14 Q Are you familiar with Dr. Portenoy? 15 A I know the name. I'm not sure I've ever 16 met him. 17 Q Did he participate in the Pain Care 18 Forum? 19 A Not to my recollection, no. 20 Q How about Dr. Lynn Webster? 21 A Again, I've heard the name. I actually 22 have seen Lynn Webster at meetings, you know, of 23 like at the FDA or something, but I don't know 24 him. I don't believe I've ever talked to him.</p>	<p style="text-align: right;">Page 89</p> <p>1 Q Do you know who -- who -- anyone on this 2 list, was it used to refer to them as a key 3 opinion leader? 4 A I don't know who was on the list of key 5 opinion leaders. I don't know how they were 6 chosen or anything really of that nature. 7 Q Did you have any involvement -- just to 8 make the record clear, I'm just going to assume 9 you did not have any involvement in whether Purdue 10 decided to give any of these professional 11 organizations money? 12 A Not that I -- 13 MR. SNAPP: Object to the form. 14 THE WITNESS: Not that I recall. 15 BY MR. CRUEGER: 16 Q Do you know who at Purdue would? 17 A I don't know, and it might be -- I just 18 don't know. It might be different for different 19 organizations, but I don't know who decided. 20 Q And did you ever talk with anyone at 21 Purdue about this issue of the funding of the 22 professional organizations who were members of the 23 Pain Care Forum? 24 A Not that I remember.</p>

<p style="text-align: right;">Page 90</p> <p>1 (Rosen Exhibit No. 9 was marked 2 for identification.) 3 BY MR. CRUEGER: 4 Q Let me give you a document that is both, 5 unfortunately, large and in small print. So I 6 assume you're going to need your reading glasses. 7 A That's why I brought them, if I needed 8 them. 9 Q So this has been labeled as Exhibit 9. 10 A Oh, boy. 11 Q We're not going to go through the entire 12 thing, so don't worry about it. So... 13 A Well, what exactly would you like me to 14 do with this? 15 Q I'm just going to -- actually, this -- 16 this document is a summary of grants that -- grant 17 payments that Purdue provided to various third- 18 party organizations. 19 Were you aware of -- did you have any 20 involvement in Purdue's decision to provide grants 21 to various organizations? 22 A Not that I recall. I'm looking at this 23 list and -- I mean it's massive. I don't recall 24 having any participation in these grants.</p>	<p style="text-align: right;">Page 92</p> <p>1 Q But do you know who at Purdue would have 2 been involved in it? 3 A I really can't say. I don't know how 4 it -- the process worked. 5 Q So if you had to find out who at Purdue 6 was involved in deciding who was paid grants, who 7 would you ask? 8 A I would -- I mean there were a number of 9 people I could ask. I don't know specifically who 10 to go to first. 11 Q But who would you go to? 12 A I would have to search. 13 Q But who would you ask? 14 A I might ask our general counsel or 15 somebody in the law department. 16 Q How about Mr. Must? 17 A I could ask Alan, but I don't know that 18 he has any knowledge of this -- these kinds of 19 grants or not. 20 Q Apart from the Pain Care Forum, did you 21 have any involvement with the FSMB? 22 A The Federation of State Medical Boards? 23 Q Yes. 24 A Not really. My participation -- I knew</p>
<p style="text-align: right;">Page 91</p> <p>1 Q You're aware that Purdue provided 2 millions of dollars in grants to these third-party 3 organizations? 4 MR. SNAPP: Object to the form. 5 THE WITNESS: I'm generally familiar 6 that Purdue provided grants to a variety of 7 organizations, but I don't know any of the 8 specifics. 9 BY MR. CRUEGER: 10 Q And all of these organizations were 11 related to opioids, correct? 12 MR. SNAPP: Object to the form. 13 THE WITNESS: I don't know. I mean 14 you've just handed me, I don't know how many, 15 hundreds of pages. I couldn't answer a question 16 like that. If you want me to look through every 17 one of them, I'll be glad to do so. 18 BY MR. CRUEGER: 19 Q No, that's okay. I just want to see if 20 you were involved at all in that process. 21 A Not to my knowledge. 22 Q Who at Purdue would have been involved 23 in that process? 24 A I don't know what the process was.</p>	<p style="text-align: right;">Page 93</p> <p>1 them -- I knew the Washington office of the FSMB 2 because of their participation in the Pain Care 3 Forum. 4 Q Was the Federation of State Medical 5 Boards, were they one of the original participants 6 in the Pain Care Forum? 7 A I honestly don't remember who the 8 original 20 or so were. 9 Am I through with this? 10 Q Yeah, if you want to put the rubber band 11 around that too so we don't have pages fluttering 12 all over the place. 13 A Just trying to -- 14 Q Now, you're aware that the Senate -- a 15 Senate Committee investigated Purdue's payments to 16 third parties, correct? 17 A I am aware that -- that -- I'm not sure 18 what you're referring to. Are you referring -- 19 I'm not sure what you're referring to. 20 Q Well, we'll give you a bit of help. 21 A Okay. Thank you. 22 (Rosen Exhibit No. 10 was marked 23 for identification.) 24 BY MR. CRUEGER:</p>

<p style="text-align: right;">Page 94</p> <p>1 Q So Exhibit 10. Here you go.</p> <p>2 If you look to the last --</p> <p>3 A The letter to Depomed?</p> <p>4 Q If you look to the last three pages,</p> <p>5 actually.</p> <p>6 A I -- I see this letter signed by Claire</p> <p>7 McCaskill. So I am aware that Senator McCaskill</p> <p>8 made this request.</p> <p>9 And it's the last three pages, you said?</p> <p>10 Q The last three pages. It's the -- it</p> <p>11 starts with the March 28, 2017 letter that's</p> <p>12 addressed to the --</p> <p>13 A Yes, I see that.</p> <p>14 Q -- the president and CEO of Purdue.</p> <p>15 Were you aware that the request was</p> <p>16 coming?</p> <p>17 MR. SNAPP: Object to the form.</p> <p>18 THE WITNESS: I don't recall being aware</p> <p>19 that it was coming.</p> <p>20 BY MR. CRUEGER:</p> <p>21 Q Did you talk to anyone on the Senate</p> <p>22 staff about this request?</p> <p>23 A I do not recall talking to anyone from</p> <p>24 her staff about it, no.</p>	<p style="text-align: right;">Page 96</p> <p>1 BY MR. CRUEGER:</p> <p>2 Q Actually, if you just want to read that</p> <p>3 paragraph. That way I don't have to --</p> <p>4 A (Peruses document.) Okay, you just want</p> <p>5 me to read that one paragraph?</p> <p>6 Q Yeah, if you want to just read that.</p> <p>7 A Okay, I've read it.</p> <p>8 Q Are you aware of any of the activities</p> <p>9 that they talk about Purdue engaging in in this --</p> <p>10 or that are listed in this paragraph?</p> <p>11 MR. SNAPP: Object to the form.</p> <p>12 THE WITNESS: Well, I -- I was not</p> <p>13 involved in these activities. I am aware that the</p> <p>14 Joint Commission issued standards, but that was in</p> <p>15 2001 prior to my arriving at Purdue.</p> <p>16 I am aware that the federation of</p> <p>17 medical boards -- well, I'm just trying to</p> <p>18 remember. I mean --</p> <p>19 BY MR. CRUEGER:</p> <p>20 Q Well, I will just ask --</p> <p>21 A -- I guess I have a general awareness,</p> <p>22 but I was not involved in any of these activities.</p> <p>23 Q So did you -- were you aware of how it</p> <p>24 says that manufacturers have allegedly provided</p>
<p style="text-align: right;">Page 95</p> <p>1 Q How about any other government staff,</p> <p>2 Senate or the House of Representatives?</p> <p>3 A I don't recall. I really wasn't</p> <p>4 involved in this.</p> <p>5 Q That was going to be the other question.</p> <p>6 Did you have any involvement in -- in preparing</p> <p>7 the response to this letter?</p> <p>8 A No, I did not. That was handled by I</p> <p>9 think our law department.</p> <p>10 Q Did they reach out to you, the law</p> <p>11 department, to gather any information about -- to</p> <p>12 respond to this request?</p> <p>13 A Not that I recall.</p> <p>14 Q And if you see at page 3 of the</p> <p>15 letter --</p> <p>16 A Yes.</p> <p>17 Q -- the first full paragraph starts with</p> <p>18 "The manufacturers." It says: "The manufacturers</p> <p>19 have also worked with licensing and accreditation</p> <p>20 bodies to influence physician behavior."</p> <p>21 MR. SNAPP: Sorry, Chuck, where are you?</p> <p>22 MR. CRUEGER: Page 3. It's the first</p> <p>23 full paragraph that starts "The manufacturers."</p> <p>24 MR. SNAPP: Thank you.</p>	<p style="text-align: right;">Page 97</p> <p>1 funding to advocacy groups, like the American</p> <p>2 Geriatric Society and the American Academy of Pain</p> <p>3 Medicine to develop materials supportive of opioid</p> <p>4 use?</p> <p>5 MR. SNAPP: Object to the form.</p> <p>6 THE WITNESS: I'm not aware of that. I</p> <p>7 don't know what activities they supported or</p> <p>8 didn't support. I don't know any specifics.</p> <p>9 BY MR. CRUEGER:</p> <p>10 Q So would you ever review materials by</p> <p>11 the American Pain Foundation, for example?</p> <p>12 A Not that I remember.</p> <p>13 Q How about materials that were put out by</p> <p>14 the American Academy of Pain Medicine?</p> <p>15 A Not that I recall.</p> <p>16 Q Do you know whether other members of the</p> <p>17 Pain Care Forum also provided money to these</p> <p>18 third-party professional organizations, like the</p> <p>19 American Pain Foundation or the American Academy</p> <p>20 of Pain Medicine or any other --</p> <p>21 A I don't know what other --</p> <p>22 MR. SNAPP: Object to the form.</p> <p>23 THE WITNESS: -- organizations</p> <p>24 contributed or didn't. No, I don't.</p>

<p style="text-align: right;">Page 98</p> <p>1 BY MR. CRUEGER:</p> <p>2 Q Did you ever ask?</p> <p>3 A No, I never asked that I recall.</p> <p>4 Q And there's -- on page 5, there's a list</p> <p>5 of organizations at the end. It starts with A</p> <p>6 through R or -- A through Q, actually.</p> <p>7 Can you tell me on this list which of</p> <p>8 these -- you don't have to name them all -- which</p> <p>9 were participant -- participating in the Pain Care</p> <p>10 Forum?</p> <p>11 A I was just beginning to read it, and I</p> <p>12 can attempt to do so, but I can't guarantee --</p> <p>13 Q And you can do it by letter so we don't</p> <p>14 have to --</p> <p>15 A -- any accuracy. I think -- I think</p> <p>16 that A, the American Academy of Pain Medicine,</p> <p>17 American Pain Society, American Pain Foundation.</p> <p>18 I don't recall the American Geriatric Society</p> <p>19 participating. American Chronic Pain Association,</p> <p>20 I'm trying to remember, I can't be certain.</p> <p>21 American Society of Pain Educators, I can't be</p> <p>22 certain. National Pain Foundation, again, I can't</p> <p>23 be certain because of the similarity in names.</p> <p>24 Pain & Policy of Wisconsin, I already</p>	<p style="text-align: right;">Page 100</p> <p>1 about.</p> <p>2 Q Did you -- what was that patent case?</p> <p>3 What was that patent case?</p> <p>4 A They filed a brief in a patent case that</p> <p>5 dealt with -- Purdue and Endo on OxyContin.</p> <p>6 Q Unfortunately, that doesn't really</p> <p>7 narrow it down, does it? Was that dealing with</p> <p>8 the patent on OxyContin or was that dealing with a</p> <p>9 patent on the abuse deterrent formulation?</p> <p>10 A That specifically dealt with -- that I</p> <p>11 recall was with the -- Purdue lost the patent on</p> <p>12 OxyContin and the product went generic. And there</p> <p>13 were, I don't recall, but about five or six</p> <p>14 generic companies that were making OxyContin. And</p> <p>15 that was back around 2004, and the Washington</p> <p>16 Legal Foundation filed an amicus brief in that</p> <p>17 patent litigation.</p> <p>18 Q Did you ever ask the Washington Legal</p> <p>19 Foundation to look at other issues relating to the</p> <p>20 availability of opioids?</p> <p>21 MR. SNAPP: Object to the form.</p> <p>22 THE WITNESS: Not that I recall.</p> <p>23 BY MR. CRUEGER:</p> <p>24 Q How about -- how about looking at any</p>
<p style="text-align: right;">Page 99</p> <p>1 stated. Yes, the Federation of Medical -- State</p> <p>2 Medical Boards, yes. The American Society of Pain</p> <p>3 Management Nursing, yes, I believe so. The</p> <p>4 Academy of Interactive Pain Management, I'm</p> <p>5 uncertain. The U.S. Pain Foundation, yes. Cancer</p> <p>6 Action Network, yes. Washington Legal Foundation,</p> <p>7 no. Center for Practical Bioethics, I believe so.</p> <p>8 The Joint Commission, no.</p> <p>9 The Pain Care Forum was the Pain Care</p> <p>10 Forum. And any other organizations, so I don't</p> <p>11 know.</p> <p>12 Q Do you know whether Purdue provided any</p> <p>13 financial support to the Washington Legal</p> <p>14 Foundation?</p> <p>15 A I believe they did.</p> <p>16 Q Do you know why?</p> <p>17 A I can't state the exact reasons why. I</p> <p>18 know that I'm familiar with the Washington Legal</p> <p>19 Foundation.</p> <p>20 Q Did you ever have to work with the</p> <p>21 Washington Legal Foundation during your time at</p> <p>22 Purdue?</p> <p>23 A I -- I did. I -- I know that they filed</p> <p>24 a brief in a patent case that I spoke to them</p>	<p style="text-align: right;">Page 101</p> <p>1 opioid prescribing guidelines issued by the CDC or</p> <p>2 a state in the United States?</p> <p>3 MR. SNAPP: Object to the form.</p> <p>4 THE WITNESS: Well, I know that the</p> <p>5 Washington Legal Foundation sent a letter to the</p> <p>6 CDC questioning their process or procedure in</p> <p>7 which they issued their guidelines.</p> <p>8 BY MR. CRUEGER:</p> <p>9 Q Were you involved in having the</p> <p>10 Washington Legal Foundation send that letter?</p> <p>11 MR. SNAPP: Object to the form.</p> <p>12 THE WITNESS: I don't recall being</p> <p>13 involved in -- in that. I can't say with</p> <p>14 certainty whether I spoke to someone or not, but I</p> <p>15 certainly didn't write the letter or the content</p> <p>16 of the letter.</p> <p>17 BY MR. CRUEGER:</p> <p>18 Q Was Purdue involved in having the</p> <p>19 Washington Legal Foundation write that letter?</p> <p>20 MR. SNAPP: Object to the form.</p> <p>21 THE WITNESS: I don't have any knowledge</p> <p>22 beyond what I've stated.</p> <p>23 BY MR. CRUEGER:</p> <p>24 Q How about a member of the Pain Care</p>

<p style="text-align: right;">Page 102</p> <p>1 Forum?</p> <p>2 A I don't have any knowledge that I can</p> <p>3 recall.</p> <p>4 Q I'm just going to give you an exhibit</p> <p>5 that we're just going to label as -- what are we</p> <p>6 at, 11?</p> <p>7 (Rosen Exhibit No. 11 was marked</p> <p>8 for identification.)</p> <p>9 BY MR. CRUEGER:</p> <p>10 Q And for this one we have absolutely no</p> <p>11 copies. I'm not going to really ask you any other</p> <p>12 question than I'll just represent to you that that</p> <p>13 was an attachment to an e-mail that said it was a</p> <p>14 list of members in the Pain Care Forum. If --</p> <p>15 yeah, I think your attorneys want to quickly look</p> <p>16 at it.</p> <p>17 A I'm sorry.</p> <p>18 Q I'm just going to ask you, does that</p> <p>19 look like --</p> <p>20 A I noticed at the bottom right, it says</p> <p>21 updated in 2013, and I haven't had an opportunity</p> <p>22 to really look at all of them, but --</p> <p>23 MR. SNAPP: Is there a Bates number for</p> <p>24 this document?</p>	<p style="text-align: right;">Page 104</p> <p>1 certainly looks like -- like it. I'm not actually</p> <p>2 familiar with every organization on here, but --</p> <p>3 and there's at least one where I'm not sure what</p> <p>4 it stands for, RnRx. But this does look like an</p> <p>5 accurate list.</p> <p>6 Q Okay. You can just put that to the</p> <p>7 side. For -- what was the exhibit number? For</p> <p>8 the record, Exhibit 11 --</p> <p>9 A Yes.</p> <p>10 Q -- the Bates number is PPLP004272096.</p> <p>11 (Rosen Exhibit No. 12 was marked</p> <p>12 for identification.)</p> <p>13 BY MR. CRUEGER:</p> <p>14 Q So I'll just give you what's labeled</p> <p>15 Exhibit 12.</p> <p>16 Have you seen this report before,</p> <p>17 Mr. Rosen?</p> <p>18 A You know, it does not look familiar to</p> <p>19 me. I'm trying to look to the back to see whose</p> <p>20 report this was. I see it's the minority staff</p> <p>21 report from HSGAC, and that that's the Senate</p> <p>22 Homeland Security and Government Affairs Committee</p> <p>23 ranking member's office. I do not recall this</p> <p>24 actual document.</p>
<p style="text-align: right;">Page 103</p> <p>1 MR. CRUEGER: You know, I was just going</p> <p>2 to look for that. So...</p> <p>3 MR. SNAPP: We can do it off the record,</p> <p>4 that's fine.</p> <p>5 MR. CRUEGER: Yeah, I -- I was hoping</p> <p>6 that I had it right here, but --</p> <p>7 MS. DICKINSON: (Inaudible) or the</p> <p>8 attachment, the Excel spreadsheet.</p> <p>9 THE WITNESS: I'm sorry, I can't hear</p> <p>10 you.</p> <p>11 MS. DICKINSON: It's okay. I was just</p> <p>12 talking to your lawyer. We'll figure it out.</p> <p>13 THE WITNESS: Do you want me to read all</p> <p>14 of these names?</p> <p>15 BY MR. CRUEGER:</p> <p>16 Q No, no, no. I just want you to confirm</p> <p>17 whether you believe that that is an accurate list</p> <p>18 of members in the Pain Care Forum as of the date</p> <p>19 on the bottom of the -- the document.</p> <p>20 A Well, I guess I better read it.</p> <p>21 Q Sorry. I thought you meant read off all</p> <p>22 the names. I didn't want to listen to that.</p> <p>23 A Oh, I'm sorry. (Peruses document.)</p> <p>24 Okay, I've read the names, and this</p>	<p style="text-align: right;">Page 105</p> <p>1 Is it signed by somebody? It's not.</p> <p>2 Q I do not believe it's signed.</p> <p>3 A Am I allowed to look back at this? I</p> <p>4 really forget which subcommittee --</p> <p>5 Q Oh, sure.</p> <p>6 A Senator McCaskill, was this her report?</p> <p>7 Q I believe so.</p> <p>8 A Okay. Because I see that she was --</p> <p>9 this was Homeland Security. I had forgotten which</p> <p>10 committee she had written a letter from. Because,</p> <p>11 as you know, most members serve on a number of</p> <p>12 committees. But I don't recall reading this</p> <p>13 document.</p> <p>14 Q Do you recognize the HSGAC?</p> <p>15 A Well, as I've just stated, I -- I see at</p> <p>16 the bottom U.S. Senate Homeland Security and</p> <p>17 Government Affairs Committee.</p> <p>18 Q And this is a report that's called</p> <p>19 Fueling the Epidemic; Exposing the Financial Ties</p> <p>20 Between Opioid Manufacturers and Third Party</p> <p>21 Advocacy Groups, correct?</p> <p>22 A That's -- yes, that's what it says.</p> <p>23 Q And your position is government</p> <p>24 relations, correct?</p>

<p style="text-align: right;">Page 106</p> <p>1 A That's correct.</p> <p>2 Q So -- but you do not recall seeing this</p> <p>3 report?</p> <p>4 A I don't. I don't recall seeing it in</p> <p>5 this format for sure. I don't recall seeing it.</p> <p>6 Q Would you believe this is a fairly</p> <p>7 important report in respect to your job?</p> <p>8 MR. SNAPP: Object to the form.</p> <p>9 THE WITNESS: I think it -- it's</p> <p>10 generally that I'm aware that various companies --</p> <p>11 or I'm aware that we, and I assume that other</p> <p>12 companies, have made contributions to some of</p> <p>13 these organizations, but I didn't really -- I</p> <p>14 wasn't involved in this, as I mentioned to you</p> <p>15 earlier. This was something that was done by</p> <p>16 others in the company.</p> <p>17 BY MR. CRUEGER:</p> <p>18 Q But the -- the document discusses your</p> <p>19 employer Purdue extensively, correct?</p> <p>20 A Yes, it does. Well, I assume it does.</p> <p>21 I don't recall really reading the report, to be</p> <p>22 honest with you.</p> <p>23 Q If you look at page 4 of the report.</p> <p>24 A Yes.</p>	<p style="text-align: right;">Page 108</p> <p>1 BY MR. CRUEGER:</p> <p>2 Q Are you familiar with any of these</p> <p>3 numbers of how much was given to these various</p> <p>4 organizations?</p> <p>5 A No, I'm not.</p> <p>6 Q The American Pain Foundation, it's about</p> <p>7 midway down. Do you see where I am, sir?</p> <p>8 A American Pain Foundation, \$25,000.</p> <p>9 Q Correct. The American Pain Foundation,</p> <p>10 are they still in existence?</p> <p>11 A No, I don't believe they are.</p> <p>12 Q And they closed in about 2012, correct?</p> <p>13 A I don't recall what year they closed.</p> <p>14 Q Did they close -- do you recall if they</p> <p>15 closed approximately after they received the</p> <p>16 requests from the Senate to provide financial</p> <p>17 information?</p> <p>18 MR. SNAPP: Object to the form.</p> <p>19 THE WITNESS: I don't recall. Was this</p> <p>20 20 -- I don't recall. This was a 2017 report? I</p> <p>21 don't recall is the answer.</p> <p>22 BY MR. CRUEGER:</p> <p>23 Q I don't recall exactly. It was probably</p> <p>24 a 2017 or 2018 report, correct?</p>
<p style="text-align: right;">Page 107</p> <p>1 Q And those are -- it's a table that's</p> <p>2 Figure 1, "Manufacture payments to selected groups</p> <p>3 2012 to 2017," correct?</p> <p>4 A That's what it is labeled, yes.</p> <p>5 Q And then Purdue is in the second column,</p> <p>6 correct?</p> <p>7 A Yes, they are.</p> <p>8 Q And the first column is a list of</p> <p>9 various organizations, correct?</p> <p>10 A Yes.</p> <p>11 Q So -- so such as the American Academy of</p> <p>12 Pain Medicine, correct?</p> <p>13 A American Academy of Pain Medicine is</p> <p>14 there, yes.</p> <p>15 Q And again, they're a member of the Pain</p> <p>16 Care Forum.</p> <p>17 A They do participate in the Pain Care</p> <p>18 Forum.</p> <p>19 Q And since then, between 2012 and 2017,</p> <p>20 Purdue has given \$725,584 to that organization,</p> <p>21 correct?</p> <p>22 MR. SNAPP: Object to the form.</p> <p>23 THE WITNESS: That's what the number</p> <p>24 says. I'm not familiar with how much was given.</p>	<p style="text-align: right;">Page 109</p> <p>1 A I mean, I believe they closed long</p> <p>2 before 2017. I don't recall when.</p> <p>3 Q About 2012, correct? Is that --</p> <p>4 MR. SNAPP: Object to the form.</p> <p>5 THE WITNESS: I really don't remember</p> <p>6 the date. Sorry.</p> <p>7 BY MR. CRUEGER:</p> <p>8 Q If you look at the executive summary.</p> <p>9 A And where is that?</p> <p>10 Q The first --</p> <p>11 A The beginning or the end?</p> <p>12 Q I guess we would call it the second page</p> <p>13 of the document. The first inside page, it's</p> <p>14 titled "Fueling An Epidemic."</p> <p>15 A Yes. You read it.</p> <p>16 Q The final paragraph says: "The fact</p> <p>17 that these same manufacturers," and by</p> <p>18 manufacturers, it's referring to Purdue and other</p> <p>19 manufacturers, correct?</p> <p>20 MR. SNAPP: Object to the form.</p> <p>21 THE WITNESS: I would assume so.</p> <p>22 BY MR. CRUEGER:</p> <p>23 Q And those are manufacturers of opioids,</p> <p>24 correct?</p>

<p style="text-align: right;">Page 110</p> <p>1 A I assume so.</p> <p>2 Q And so it says: "The fact that these</p> <p>3 same manufacturers provided millions of dollars to</p> <p>4 the groups described below," and you assume that's</p> <p>5 the groups that are listed in that table that we</p> <p>6 just looked at, correct?</p> <p>7 MR. SNAPP: Object to the form.</p> <p>8 THE WITNESS: I am assuming it refers to</p> <p>9 their table, yes.</p> <p>10 BY MR. CRUEGER:</p> <p>11 Q It says that they've concluded, "it</p> <p>12 suggests, at the very least, a direct link between</p> <p>13 corporate donations and the advancement of opioid</p> <p>14 friendly messaging." Correct?</p> <p>15 MR. SNAPP: Object to the form.</p> <p>16 THE WITNESS: That's their conclusion.</p> <p>17 BY MR. CRUEGER:</p> <p>18 Q Do you agree with that conclusion?</p> <p>19 A I don't have any knowledge that it is in</p> <p>20 any way, shape, or form tied to messaging.</p> <p>21 Q You have no knowledge one way or the</p> <p>22 other?</p> <p>23 A No.</p> <p>24 Q So when this report came out, was it</p>	<p style="text-align: right;">Page 112</p> <p>1 Q But it's not a flattering report of your</p> <p>2 employer, is it?</p> <p>3 MR. SNAPP: Object to the form.</p> <p>4 THE WITNESS: I don't really know. I</p> <p>5 would have to read through it and make a</p> <p>6 conclusion, I guess, or speculation.</p> <p>7 (Rosen Exhibit No. 13 was marked</p> <p>8 for identification.)</p> <p>9 BY MR. CRUEGER:</p> <p>10 Q Are you in charge of lobbying at Purdue?</p> <p>11 A In a federal -- at the federal level.</p> <p>12 Q Okay. And what does that -- what does</p> <p>13 that mean that you're -- what I just asked you,</p> <p>14 that you're in charge of lobbying, so what does</p> <p>15 that mean? Are you in charge of deciding who to</p> <p>16 pay, who to hire? Or can you just give me a</p> <p>17 better description of how that works when you say</p> <p>18 you're in charge of lobbying?</p> <p>19 A Well, I tried to explain that to you</p> <p>20 earlier at the beginning of our discussion, that</p> <p>21 it involves, you know, a lot of monitoring, and</p> <p>22 just trying to stay in touch with activities that</p> <p>23 are occurring that may affect the pharmaceutical</p> <p>24 industry generally, businesses generally, and then</p>
<p style="text-align: right;">Page 111</p> <p>1 e-mailed around at Purdue?</p> <p>2 A I don't recall.</p> <p>3 Q Do you recall anyone discussing the</p> <p>4 report?</p> <p>5 A I -- I don't recall having a discussion</p> <p>6 about the report. I'm sure we were aware it was</p> <p>7 issued.</p> <p>8 Q But you're the person at Purdue who</p> <p>9 deals with the -- the Senate, for example,</p> <p>10 correct?</p> <p>11 A I do when it comes to legislative</p> <p>12 activities, but I -- I'm not involved in the --</p> <p>13 this kind of an inquiry.</p> <p>14 Q And so it's your testimony that you</p> <p>15 don't recall the report and you don't recall</p> <p>16 reading the report, correct?</p> <p>17 A No, that's not my testimony. I said</p> <p>18 that I recall the activity. I recall that the</p> <p>19 report was issued, but I don't recall seeing this</p> <p>20 document.</p> <p>21 Q Do you recall reading the report?</p> <p>22 A I don't honestly remember if I read the</p> <p>23 report or not. And if I did -- well, I just don't</p> <p>24 remember reading it. Or the specifics of it.</p>	<p style="text-align: right;">Page 113</p> <p>1 more specifically, you know, revolving around our</p> <p>2 products, and -- and report those activities.</p> <p>3 And then on occasion, to -- to maybe</p> <p>4 react or go see somebody to discuss a particular</p> <p>5 piece of legislation. And at times to be more</p> <p>6 proactive and actually try to draft something and</p> <p>7 provide it to someone who, you know, if you're</p> <p>8 trying to put forward a public policy that -- that</p> <p>9 you think makes sense, and --</p> <p>10 Q And the law at the federal level</p> <p>11 requires -- strike that.</p> <p>12 The law at the federal level requires</p> <p>13 you to file disclosure forms for your lobbying,</p> <p>14 correct?</p> <p>15 A There are lobbying reports filed</p> <p>16 periodically, yes, with the Clerk of the -- either</p> <p>17 the House or the Senate. If you file with one,</p> <p>18 you file with both.</p> <p>19 Q And you -- you sign those reports,</p> <p>20 correct?</p> <p>21 A I do.</p> <p>22 Q And those reports are publicly</p> <p>23 available, correct?</p> <p>24 A And they are publicly available.</p>

<p style="text-align: right;">Page 114</p> <p>1 Q And do you believe they're accurate?</p> <p>2 A I believe they're accurate. I'm not</p> <p>3 going to say I never made a mistake on them, but I</p> <p>4 believe they were accurate.</p> <p>5 Q Do you -- do you compile the information</p> <p>6 in those reports?</p> <p>7 A Generally my administrative person did,</p> <p>8 and I would look at them and sign them.</p> <p>9 Q And for what -- she compiles that</p> <p>10 information from a database of some sort?</p> <p>11 A Well, I think it was more of an ongoing</p> <p>12 document. Things, you know, that we worked on.</p> <p>13 Very little happens in a short time frame. So</p> <p>14 there would -- there might be issues that you</p> <p>15 would look at over a number of years.</p> <p>16 Q But one of the things I'm saying is the</p> <p>17 disclosure forms, you have to report both -- so</p> <p>18 for you as Purdue, you have to report the money</p> <p>19 that you spend on lobbying, correct?</p> <p>20 A There is a report filed -- I'm not</p> <p>21 conversant, honestly, on the lobby law law, but</p> <p>22 there is a report filed that discloses</p> <p>23 contributions made by the company. And I believe</p> <p>24 that report is filed either by our political</p>	<p style="text-align: right;">Page 116</p> <p>1 BY MR. CRUEGER:</p> <p>2 Q We've labeled this as Exhibit 14.</p> <p>3 (Counsel conferring.)</p> <p>4 THE WITNESS: So just to be clear, I</p> <p>5 mean, do you want me to read through all of these</p> <p>6 documents?</p> <p>7 BY MR. CRUEGER:</p> <p>8 Q Oh, heck no. We're not going to do that</p> <p>9 today.</p> <p>10 These are just -- I just wanted to use</p> <p>11 these as an example of a -- of lobbying -- the</p> <p>12 disclosure forms that you filed.</p> <p>13 A Yes.</p> <p>14 Q So if you look at -- and we'll just use</p> <p>15 the example, the second full page on the back, I</p> <p>16 think at the top there's 698 is the last three.</p> <p>17 Do you see where I am?</p> <p>18 A I don't see 698. Can you --</p> <p>19 Q Oh, it's 0000360698.</p> <p>20 A It's the next page?</p> <p>21 Q Yeah, it might be.</p> <p>22 A I'm sorry. So the first page is labeled</p> <p>23 1 of 3. The second is page 2 of 3. Are you on 3</p> <p>24 of 3?</p>
<p style="text-align: right;">Page 115</p> <p>1 action committee or by our law department.</p> <p>2 Q But the reports you sign actually have</p> <p>3 disclosures of dollar amounts, correct?</p> <p>4 A I don't recall signing PAC contri- -- a</p> <p>5 disclosure of PAC contribution documents.</p> <p>6 Q Well, just the -- just a document that</p> <p>7 discloses Purdue's contributions, it has the</p> <p>8 amount or -- just the -- just the disclosure that</p> <p>9 you signed, it has a dollar amount, correct?</p> <p>10 MR. SNAPP: Object to the form.</p> <p>11 THE WITNESS: I don't recall that I</p> <p>12 signed those documents for the PAC disclosures. I</p> <p>13 think that's a document that's filed by somebody</p> <p>14 in headquarters.</p> <p>15 If I'm wrong and you have such a</p> <p>16 document, I --</p> <p>17 BY MR. CRUEGER:</p> <p>18 Q Well -- the answer is, yes, we do have</p> <p>19 the report.</p> <p>20 A Okay. I would be glad to look at it.</p> <p>21 Q I'm just going to give you an example.</p> <p>22 We're not going to go through all of them.</p> <p>23 (Rosen Exhibit No. 14 was marked</p> <p>24 for identification.)</p>	<p style="text-align: right;">Page 117</p> <p>1 Q We will do this the easy way. It is</p> <p>2 this (indicating). It's got to be one of those</p> <p>3 first two pages.</p> <p>4 A I'm sorry, but my document says 349 at</p> <p>5 the top, and it says 350.</p> <p>6 MR. SNAPP: So does mine.</p> <p>7 THE WITNESS: I don't --</p> <p>8 BY MR. CRUEGER:</p> <p>9 Q Okay. Well, let's just -- let's just</p> <p>10 use 349. I have that here too. So --</p> <p>11 A Okay. Sorry. I just wasn't sure what</p> <p>12 you were talking about.</p> <p>13 Q No, no, that's fine. It's just easier</p> <p>14 to do.</p> <p>15 So this is a lobbying report, correct?</p> <p>16 A Yes, it is.</p> <p>17 Q And I'll just let you know I went online</p> <p>18 and we downloaded all these because they're all</p> <p>19 publicly available.</p> <p>20 A They are. Yes, I know that.</p> <p>21 Q That's your signature at the bottom,</p> <p>22 correct?</p> <p>23 A Yes, it is.</p> <p>24 Q And this is from 2003, February 24th is</p>

<p style="text-align: right;">Page 118</p> <p>1 the day it was filed, but that doesn't matter. 2 What I'm just asking is, the box there 3 says "Income and Expense." 4 A Correct. 5 Q And you have the number of \$430,000 in 6 expense, correct? 7 A Yes. 8 Q So one is -- where does that number come 9 from? And two, if you want to answer a compound 10 question is, what does it represent? So... 11 A Well, this is not what you were asking 12 me. You were asking me about contributions. 13 Q Okay. Then I was using the wrong 14 terminology, so... 15 A And so this is -- I don't know exactly 16 how this number was derived, but this is a 17 compilation where I believe you just take a -- 18 there's some outside law firm that kind of advises 19 and comes up with this, and it's the way it all 20 works. And it is -- it's an allocation of a 21 variety of expenses. 22 I don't know how the exact number is 23 derived, but it might be if you belong to, say, a 24 trade association and you pay dues to the trade</p>	<p style="text-align: right;">Page 120</p> <p>1 activity. Because some of the work they do 2 would -- might be and probably was legal work 3 and -- or monitoring, as I had stated earlier, and 4 not actually lobbying. So that's an allocation. 5 And I'm sorry, I just don't know how each of these 6 numbers is derived -- 7 Q Okay. 8 A -- in any more specificity than I've 9 given you. 10 Q And so -- 11 MR. COLE: This is 12, I think. 12 MR. CRUEGER: We may or may not have -- 13 it's 14. We might be skipping 13. It's not the 14 luckiest number in the world. 15 BY MR. CRUEGER: 16 Q So I just want to make sure about 17 something. So you said you work on -- on 18 government affairs at the federal level, correct? 19 A That's correct. 20 Q Do you do anything at the state level? 21 A No. I don't recall ever going out to 22 the state and being involved in any activities. 23 Q Did you participate in the passage of 24 the 1998 Intractable Pain Act in Ohio?</p>
<p style="text-align: right;">Page 119</p> <p>1 association, they allocate a certain portion of 2 that contribution to lobbying expenditure, and 3 then you put that in your number. And if you -- 4 and you take a certain amount of the expense of my 5 office, and you put it in that number. And if you 6 hire a law firm or a consulting firm, they also 7 attribute a certain percentage of that to the -- 8 to lobbying activities. And those are collected 9 and -- and then reported. 10 Q Okay. That's the question I -- 11 A But those are not what I would call 12 contributions. 13 Q Okay. I was using the wrong term. 14 A Okay. I'm sorry. 15 Q So that's what I was wondering. 16 A Okay. 17 Q And so that number does include the 18 number -- so say if you hire Sidley & Austin for 19 lobbying work, that number that you would pay 20 Sidley & Austin for lobbying, and this is just an 21 example, would be included in that number that's 22 reported in this form, correct? 23 A It would be their allocation of what 24 they -- they expended through -- for lobbying</p>	<p style="text-align: right;">Page 121</p> <p>1 A No, I don't recall ever participating in 2 that. That happens to be where another Rosen is. 3 Brian Rosen is a state government relations 4 person. 5 Q How long has Brian Rosen been at Purdue? 6 A I don't know. 7 Q Do you ever interact with him on 8 coordinating state and federal efforts? 9 A Not really. I mean, I've spoken to him, 10 but I don't coordinate my work with his. 11 Q Who does he report to? 12 A He reports to Alan Must. 13 Q So do you know -- do you know anything 14 about the passage of the 1998 Intractable Pain Act 15 in Ohio? 16 A I'm not familiar with its specifics, no. 17 Q So you're not familiar with any of the 18 amendments that were made to that act, correct? 19 A I'm not familiar with them. 20 Q Are you familiar whether Purdue worked 21 with the federal state -- the state medical board 22 of Ohio -- strike that. 23 If Purdue worked with the State Medical 24 Board of Ohio in passing that act?</p>

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1 A I'm not aware of what activity they
2 were -- how they did it or how they were involved
3 in it.

4 Q By the way, who worked -- did someone
5 handle state -- the state efforts prior to Brian
6 Rosen?

7 A I don't know if they did or not. That's
8 before I was here.

9 Q Oh, has Brian Rosen been here the entire
10 time that you've been here at Purdue?

11 A I don't recall when -- whether Brian
12 preceded me or came after me. But he's the only
13 person I remember that handled that region of the
14 country.

15 Q And so if I wanted to learn more about
16 the 1998 Intractable Pain Act in Ohio, I should go
17 talk to Brian Rosen?

18 A I think so, yes.

19 MR. SNAPP: Chuck, we've been going just
20 a little bit over an hour. Would this be a good
21 time for another break?

22 MR. CRUEGER: You know, I'm almost at
23 the end of this. So I was actually looking at the
24 time too, so I think we'll be good if we just go

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1 for a few more minutes, and then we'll be -- we'll
2 be done.

3 MR. SNAPP: Are you okay?

4 THE WITNESS: I'm fine, yes.

5 MR. SNAPP: Okay.

6 MR. CRUEGER: Again, yeah, if you need
7 to take a break, please just tell me.

8 THE WITNESS: I'm fine. Thank you.

9 BY MR. CRUEGER:

10 Q Now, Purdue, you -- so are you the only
11 person at Purdue who does the federal, I'll call
12 it, the federal lobbying efforts?

13 A As I explained to you, yes, but I did
14 hire somebody last January with the anticipation
15 that I would be retiring at some point.

16 Q And do -- do you track in any way the
17 different issues that you lobby on in both the
18 Senate or Congress or even agencies?

19 A I don't track it in the sense of -- I
20 don't have like a list, you know, of every
21 activity that I work on.

22 Q Is there a -- is there a record, though,
23 somewhere in Purdue that would track the
24 activities that Purdue has spent money lobbying on

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1 at the federal level?

2 A Well, I filed this report that we just
3 discussed. And those reports often list issues
4 that you're working on at the time, and they would
5 change over time.

6 Q Well, they're very general disclosures,
7 correct?

8 A They are.

9 Q And let's just, as an example, with the
10 CDC guidelines -- I don't know if we're going to
11 look at this -- is Purdue lobbying either you or
12 through a third party anyone on the CDC
13 guidelines?

14 A Not to my knowledge. I don't think we
15 had anything to do with the drafting of the CDC
16 guidelines.

17 Q But how about any legislation that may
18 affect the CDC guidelines?

19 A You would have to be more specific. I'm
20 not sure what legislation would affect the CDC
21 guidelines.

22 Q Are you aware of any legislation that
23 would effect the CDC guidelines?

24 A None comes to mind, no.

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1 Q Are you aware of any regulations that
2 may affect the CDC guidelines?

3 A I'm not aware of any regulation. I
4 think it's just a guideline that was issued and
5 it's final.

6 Q So has Purdue done anything that you're
7 aware of to try to change or otherwise modify the
8 CDC guidelines?

9 MR. SNAPP: Object to the form.

10 THE WITNESS: Not that I'm aware of.

11 BY MR. CRUEGER:

12 Q Have you talked with any entity at
13 Health and Human Services about changing the
14 guidelines?

15 A No, not that I recall.

16 Q Have you talked with any entity at any
17 other -- let's start with the Executive Branch,
18 any Executive Branch agency about the CDC
19 guidelines about changing them?

20 A No, not that I recall.

21 Q How about someone else at Purdue?

22 MR. SNAPP: Object to the form.

23 THE WITNESS: Not that I recall. I
24 don't remember any discussion about changing the

<p style="text-align: right;">Page 126</p> <p>1 guidelines. 2 BY MR. CRUEGER: 3 Q So I guess what I'm asking -- let's go 4 back to the disclosure forms. The disclosures are 5 fairly general, correct? 6 A They are fairly general. 7 Q Where would I get more specific 8 information at Purdue about specific issues that 9 were being -- that Purdue was lobbying on? 10 A Well, I think they generally would be on 11 these issues. I'm not exactly sure what you're 12 asking. 13 Q Well, let me see if I can't find an 14 example. 15 So I think it will be the fourth page 16 from the back. 17 And I will just show you the page I'm 18 looking at so that we don't have a -- we'll get it 19 to you. 20 A This page (indicating)? 21 Q Yes, that's it. 22 A Okay. 23 MR. SNAPP: Oh, okay. It's 204. Got 24 it.</p>	<p style="text-align: right;">Page 128</p> <p>1 Q It is confusing. 2 A -- because I'm going backwards and 3 they're double-sided, and I'm not sure I'm even 4 keeping them in order. 5 Q But I only want to ask you -- 6 MR. SNAPP: Oh, I see. Okay. I found 7 the document you're on. Thank you. 8 THE WITNESS: I do see that Will -- 9 William Nordwind is on there, and he's the person 10 I hired last year, last January, so he's been with 11 us just one year. 12 BY MR. CRUEGER: 13 Q So the section that's just called 14 "Lobbying Activity," paragraph 16. 15 A Yes. 16 Q So it just has the general abuse 17 deterrent formulations of opioid analgesics? 18 A Right. 19 Q So how would I find out more about what 20 that -- specifically what is going on with that, 21 that entry? 22 A Well, I don't know that we kept a list 23 of anything. I'm not sure how -- 24 Q So what I'm trying to get at is there's</p>
<p style="text-align: right;">Page 127</p> <p>1 THE WITNESS: So, is there a date on 2 this? 3 BY MR. CRUEGER: 4 Q Just looking at 1 of 4, this is 1/7/2019 5 is up in the left-hand corner. 6 A Oh, okay. So this would have been 7 recent. 8 Q Yes, this is recent -- 9 A And I -- I assume -- 10 MR. SNAPP: I think there's another 11 date. I'm sorry, I just want to make sure the 12 record is clear, Chuck. I don't -- there's a date 13 down on the bottom right-hand corner on the first 14 page of the document as well. 15 MR. CRUEGER: Ah, yes, there's -- 16 MR. SNAPP: 10/22/18. 17 THE WITNESS: 7/20/18? 18 BY MR. CRUEGER: 19 Q 7/20/2018, correct. 20 MR. SNAPP: 10 -- I see 10/22. Is 21 that -- am I on the wrong document? 22 THE WITNESS: I'm sorry, it's just 23 confusing -- 24 BY MR. CRUEGER:</p>	<p style="text-align: right;">Page 129</p> <p>1 no more detailed list that you're aware of than 2 what's in this document? 3 A There is no more detailed list that I'm 4 aware of. 5 MR. CRUEGER: Okay. Why don't we break 6 for lunch. 7 MR. SNAPP: Sure. 8 THE VIDEOGRAPHER: The time is 11:58 9 a.m., and we're going off the record. 10 (Lunch recess.) 11 THE VIDEOGRAPHER: The time is 12:42 12 p.m. We're back on the record. 13 BY MR. CRUEGER: 14 Q Mr. Rosen, let's go back to the 15 Washington guidelines. That would be Exhibit 4 in 16 your stack. 17 A Okay, I pulled them out. 18 Q So these guidelines, again they were 19 issued in 2007, correct? 20 A That's what it says, yes. 21 Q And they were aimed at primary care 22 physicians, correct? 23 MR. SNAPP: Object to the form. 24 THE WITNESS: Geez, I would have to read</p>

<p style="text-align: right;">Page 130</p> <p>1 it again. This morning is the first time I've 2 seen the document. 3 BY MR. CRUEGER: 4 Q If you look at page 2, the introduction. 5 A "Educational Pilot." 6 Q The sentence starting as, "It is 7 intended as a resource for primary care 8 providers" -- 9 A Okay. I see that. 10 Q -- "treating patients who receive 11 healthcare through state agency programs." 12 A I see that. 13 Q Again, the reminder that we can't talk 14 over each other, as much as we would love to 15 sometimes. 16 A Okay, thank you. I'm sorry. 17 Q So -- and these guidelines, they do not 18 apply to the treatment of acute pain, correct? 19 A It says it does not apply to the 20 treatment of acute pain. 21 Q And acute pain would be like pain after 22 a surgery, correct? 23 MR. SNAPP: Object to the form. 24 THE WITNESS: I'm certainly not an</p>	<p style="text-align: right;">Page 132</p> <p>1 narcotic, correct? 2 A It is a Schedule II narcotic. 3 Q And it's a -- what's known as a 4 long-acting opioid, correct? 5 A It is. 6 Q And this guideline put out by the State 7 of Washington notes that the overall number of 8 opioid-related deaths has more than doubled 9 between 1995 and 2004, correct? 10 MR. SNAPP: Object to the form. 11 THE WITNESS: That's what it says. 12 BY MR. CRUEGER: 13 Q And it also says that prescription 14 opioid-related deaths now exceed non-prescription 15 opioid-related deaths, right? 16 MR. SNAPP: Object to the form. 17 THE WITNESS: It cites a study or 18 something from 2006 and states that. 19 BY MR. CRUEGER: 20 Q And so this is the State of Washington 21 trying to put out guidelines to teach primary care 22 physicians how to prescribe long-acting opioids, 23 correct? 24 MR. SNAPP: Object to the form.</p>
<p style="text-align: right;">Page 131</p> <p>1 expert. I -- I told you I suffer from kidney 2 stones. I consider that to be acute pain. 3 BY MR. CRUEGER: 4 Q It's short-term pain, correct? 5 A Normally, yes. 6 Q The guidelines don't apply to cancer 7 pain, correct? 8 A That's correct, what it says. 9 Q They don't apply to end-of-life or 10 hospice care, correct? 11 A Yes, that's what it says. 12 Q And the third paragraph on the left-hand 13 column, it talks about how recent studies have 14 indicated an increase in accidental deaths 15 associated with the use of prescription opioids 16 since 1999. 17 Do you see that? 18 A I do. 19 Q And how there's been a long-term -- a 20 dramatic increase in the average daily morphine 21 equivalent dose of the most potent Schedule II 22 long-acting opioids, correct? 23 A That's what it says, yes. 24 Q And OxyContin, that's a Schedule II</p>	<p style="text-align: right;">Page 133</p> <p>1 THE WITNESS: That's what it says, yes. 2 BY MR. CRUEGER: 3 Q And you agree that opioids are dangerous 4 drugs, correct? 5 A I would agree with that. They are 6 scheduled by the DEA, and by definition, 7 dangerous, yes. 8 Q And you agree that the state has an 9 interest in teaching primary care physicians how 10 to use this dangerous drug? 11 MR. SNAPP: Object to the form. 12 THE WITNESS: Well, it's not an area 13 that I have any expertise in, but I certainly 14 don't disagree. 15 BY MR. CRUEGER: 16 Q Well, you're in the job of influencing 17 government, though, correct? 18 MR. SNAPP: Object to the form. 19 THE WITNESS: Well, I don't -- I have 20 not worked on these guidelines or on the state 21 guidelines. I don't work on state government 22 activities. 23 BY MR. CRUEGER: 24 Q But a government, state or federal, has</p>

<p style="text-align: right;">Page 134</p> <p>1 an interest in protecting the public health of its 2 citizens, correct?</p> <p>3 MR. SNAPP: Object to the form.</p> <p>4 THE WITNESS: Yes.</p> <p>5 BY MR. CRUEGER:</p> <p>6 Q And a government, state or federal, if 7 it wants to protect the public health of its 8 citizens, can prescribe guidelines for opioids, 9 correct?</p> <p>10 MR. SNAPP: Object to the form.</p> <p>11 THE WITNESS: They are doing so, yes.</p> <p>12 BY MR. CRUEGER:</p> <p>13 Q And if you're a patient, you would want 14 your doctor to know how to use these dangerous 15 drugs, correct?</p> <p>16 MR. SNAPP: Object to the form.</p> <p>17 THE WITNESS: I would assume so.</p> <p>18 BY MR. CRUEGER:</p> <p>19 Q Now, if you look at Exhibit 6, which is 20 also in your stack.</p> <p>21 A Okay.</p> <p>22 Q Now, isn't it fair to say that Purdue 23 did not like these guidelines, correct?</p> <p>24 MR. SNAPP: Object to the form.</p>	<p style="text-align: right;">Page 136</p> <p>1 Q And members of the Pain Care Forum were 2 opposed to the Washington State Guidelines as 3 well, correct?</p> <p>4 MR. SNAPP: Object to the form.</p> <p>5 THE WITNESS: I don't know who may have 6 been or may not have been supportive of the 7 guidelines. I don't really recall this discussion 8 in 2007.</p> <p>9 BY MR. CRUEGER:</p> <p>10 Q And if you look at the Bates number that 11 ends PPLP004021798, which is the second page, it's 12 the first page of the meeting minutes -- are we on 13 the same page?</p> <p>14 A I believe so. "APF met"?</p> <p>15 Q Yes. And APF is the American Pain 16 Foundation?</p> <p>17 A That's what it says, yes.</p> <p>18 Q And it says it met with the Washington 19 governor, correct?</p> <p>20 A Right.</p> <p>21 Q And it did so to present a physician 22 statement expressing concerns unfavor- -- of 23 unfavorable state guidelines, correct?</p> <p>24 A That's what it says.</p>
<p style="text-align: right;">Page 135</p> <p>1 THE WITNESS: I don't know. As I said 2 to you earlier this morning, I didn't work on 3 them. I didn't see them, this document, until 4 today, and I don't really recall what our position 5 was.</p> <p>6 BY MR. CRUEGER:</p> <p>7 Q And this document, Exhibit 6, is a Pain 8 Care Forum meeting minute document, correct?</p> <p>9 A It is a document from 2007, in which 10 somebody took some -- somebody from the American 11 Pain Foundation took some notes or minutes. They 12 call them minutes, yes.</p> <p>13 Q But it's your administrative assistant, 14 Solana Shaw, who is distributing these to all of 15 the Pain Care Forum members, right?</p> <p>16 A She -- she did distribute it, and I 17 think it says that she was forwarding the document 18 that was provided to her. Yes.</p> <p>19 Q And one of the issues then that was 20 talked about at this Pain Care Forum meeting is 21 the Washington State Guidelines, correct?</p> <p>22 A According to this person's minutes, 23 there is an item at the bottom of that page that 24 refers to the Washington State Guidelines.</p>	<p style="text-align: right;">Page 137</p> <p>1 Q And again, the APF is financed by 2 Purdue, correct?</p> <p>3 A Well, as you --</p> <p>4 MR. SNAPP: Object to the form.</p> <p>5 THE WITNESS: -- pointed out to me this 6 morning -- I'm sorry.</p> <p>7 MR. SNAPP: Object to the form.</p> <p>8 THE WITNESS: As you pointed out to me 9 this morning, Purdue made contributions to the 10 American Pain Foundation.</p> <p>11 BY MR. CRUEGER:</p> <p>12 Q Substantial contributions, correct?</p> <p>13 MR. SNAPP: Object to the form.</p> <p>14 THE WITNESS: Contributions.</p> <p>15 BY MR. CRUEGER:</p> <p>16 Q You're not willing to use the word 17 "substantial"?</p> <p>18 MR. SNAPP: Object to the form.</p> <p>19 THE WITNESS: Well, it was over a long 20 period of time, and it's relative.</p> <p>21 BY MR. CRUEGER:</p> <p>22 Q Is over a million dollars substantial 23 contributions?</p> <p>24 A It is, but it was over a number of</p>

<p style="text-align: right;">Page 138</p> <p>1 years. I don't recall the number.</p> <p>2 MR. SNAPP: Are you finished with No. 6?</p> <p>3 MR. CRUEGER: For now, yes.</p> <p>4 BY MR. CRUEGER:</p> <p>5 Q So we're back on Exhibit 13.</p> <p>6 A I don't have an Exhibit 13.</p> <p>7 Q You will in just a second.</p> <p>8 A Okay.</p> <p>9 Q There you go.</p> <p>10 If you want to just quickly review</p> <p>11 the -- the e-mail.</p> <p>12 A Yes, please.</p> <p>13 Q By the way, Exhibit 13, your copies have</p> <p>14 the Bates number cut off. It is PPLP004024280.</p> <p>15 A (Peruses document.) I've read the</p> <p>16 document.</p> <p>17 Q So this is an e-mail. If you look at</p> <p>18 the -- I guess you call it the second e-mail on</p> <p>19 the first page, not the part on top, so it says</p> <p>20 from Will Rowe.</p> <p>21 We're on the same page?</p> <p>22 A January 24th, 2008, 5:19 p.m.?</p> <p>23 Q That is correct.</p> <p>24 A Okay. Yes.</p>	<p style="text-align: right;">Page 140</p> <p>1 THE WITNESS: I don't remember the</p> <p>2 e-mail or the phone call, but it does say, "Thank</p> <p>3 you for participating on a call today."</p> <p>4 BY MR. CRUEGER:</p> <p>5 Q And the purpose of that meeting was to</p> <p>6 form a strategy on how to respond to the</p> <p>7 Washington State Guidelines, correct?</p> <p>8 MR. SNAPP: Object to the form.</p> <p>9 THE WITNESS: Again, I don't really</p> <p>10 remember the discussion or the e-mail, but it --</p> <p>11 there is discussion in the e-mail about a</p> <p>12 consensus on a strategy.</p> <p>13 BY MR. CRUEGER:</p> <p>14 Q And a lot of these people in the "to"</p> <p>15 line, are they also participants in the Pain Care</p> <p>16 Forum, correct?</p> <p>17 MR. SNAPP: Object to the form.</p> <p>18 THE WITNESS: There are some names I</p> <p>19 recognize and there are some names that I don't</p> <p>20 recognize.</p> <p>21 BY MR. CRUEGER:</p> <p>22 Q And which names do you recognize?</p> <p>23 A Will Rowe, Brian Munroe, June Dahl. The</p> <p>24 next name I do not recognize. Aaron Gilson, Mary</p>
<p style="text-align: right;">Page 139</p> <p>1 Q And it's to Pamela Bennett, correct?</p> <p>2 A It's to a number of people.</p> <p>3 Q But she's on the "to" line, correct?</p> <p>4 A Including Pamela Bennett, correct.</p> <p>5 Q Pamela Bennett, did she participate in</p> <p>6 Pain Care Forum meetings?</p> <p>7 A She very well may have participated in</p> <p>8 some of the meetings.</p> <p>9 Q Well, can you say definitively whether</p> <p>10 she ever did or did not?</p> <p>11 A She did participate in some of the</p> <p>12 meetings. I couldn't say when she did and when</p> <p>13 she didn't.</p> <p>14 Q You are also on the "to" line in this</p> <p>15 e-mail, correct?</p> <p>16 A Yes, I am.</p> <p>17 Q And the subject is "The Washington state</p> <p>18 opioid dosing guideline," correct?</p> <p>19 A Correct.</p> <p>20 Q And apparently the people in the "to"</p> <p>21 line and maybe even the "cc" line had a call on</p> <p>22 about the Washington State guidelines on</p> <p>23 January 24th, 2008, correct?</p> <p>24 MR. SNAPP: Object to the form.</p>	<p style="text-align: right;">Page 141</p> <p>1 Pat Aardrup. I do not know who Mark Rasmussen is.</p> <p>2 Micke Brown, I know. Pamela Bennett. I don't</p> <p>3 know who Adam Clark is. I know who Rebecca Kirch</p> <p>4 is. I do not know who Ned Masin is. I do not</p> <p>5 know who H. Petty is. I'm not sure who Mary</p> <p>6 Bennett is. Lisa Robin, I know. Mayssa Sultan, I</p> <p>7 do not know. Michelle Lonchar, I'm not familiar</p> <p>8 with. Scott Fishman, I know he's a doctor.</p> <p>9 I'm -- I'm not sure if I've met him before or not,</p> <p>10 but that's my recollection.</p> <p>11 Q And again, a lot of these individuals</p> <p>12 participate in the Pain Care Forum, correct?</p> <p>13 A Some of them do, and as I said, some of</p> <p>14 them I don't really know who they are.</p> <p>15 Q And Lisa Robbins -- Lisa Robbins, she is</p> <p>16 with the Federation of State Medical Boards?</p> <p>17 A She is. She runs their Washington</p> <p>18 office, and I don't know what her title or</p> <p>19 function is, but she has spent time here in</p> <p>20 Washington as I think as well as her headquarters.</p> <p>21 Q And she was a regular participant in the</p> <p>22 Pain Care Forum, correct?</p> <p>23 A She did participate in the Pain Care</p> <p>24 Forum. Again, I don't have a way of knowing who</p>

<p style="text-align: right;">Page 142</p> <p>1 was at any given meeting or not, though.</p> <p>2 Q And that's because you didn't keep any</p> <p>3 notes or records of the meetings, correct?</p> <p>4 A We didn't take roll or --</p> <p>5 Q And the third paragraph in this that</p> <p>6 starts with "There was."</p> <p>7 A Yes.</p> <p>8 Q It says: "There was a consensus on a</p> <p>9 strategy to promote the FSMB model guideline to</p> <p>10 the Washington State Medical Board, and to add</p> <p>11 clinical material to that guideline by promoting</p> <p>12 and excerpting Dr. Scott Fishman's book."</p> <p>13 Correct?</p> <p>14 A That's what it states.</p> <p>15 Q And that consensus -- the people on that</p> <p>16 consensus included Purdue, correct?</p> <p>17 MR. SNAPP: Object to the form.</p> <p>18 THE WITNESS: I don't really recall this</p> <p>19 meeting or this e-mail, and I -- I really couldn't</p> <p>20 say who supported it or didn't support anything.</p> <p>21 BY MR. CRUEGER:</p> <p>22 Q But you don't recall Purdue objecting</p> <p>23 to --</p> <p>24 A I don't recall supporting or objecting.</p>	<p style="text-align: right;">Page 144</p> <p>1 Q And so this grant shows how -- and this</p> <p>2 is a Purdue document, correct?</p> <p>3 A I've never seen this document before.</p> <p>4 Q Well, this is Purdue giving a grant,</p> <p>5 correct?</p> <p>6 A Okay. I don't see where -- does it</p> <p>7 identify Purdue on the document? I've just never</p> <p>8 seen this form before.</p> <p>9 Q Well, the sponsor is David Haddox,</p> <p>10 correct?</p> <p>11 A Correct. Thank you.</p> <p>12 Q And he works for Purdue, correct?</p> <p>13 A Yes, that's correct.</p> <p>14 Q And this is -- the date is -- it looks</p> <p>15 like it's in September of 2007, correct? The --</p> <p>16 A It's dated 9/4/2007, yes, that's</p> <p>17 correct.</p> <p>18 Q And it's a \$100,000 grant to support the</p> <p>19 distribution -- the purchase and distribution of</p> <p>20 Scott Fishman's book to 700,000 medical doctors,</p> <p>21 correct?</p> <p>22 A It's --</p> <p>23 MR. SNAPP: Object to the form.</p> <p>24 THE WITNESS: -- a \$100,000 educational</p>
<p style="text-align: right;">Page 143</p> <p>1 I just don't recall.</p> <p>2 Q And are you familiar with the FSMB model</p> <p>3 guideline?</p> <p>4 A Generally familiar, but I don't think I</p> <p>5 could give you any specifics.</p> <p>6 (Rosen Exhibit No. 15 was marked</p> <p>7 for identification.)</p> <p>8 BY MR. CRUEGER:</p> <p>9 Q So I will give you Exhibit 16.</p> <p>10 A Let me put this back. Do you want --</p> <p>11 13.</p> <p>12 Q Oh, I'm sorry. I guess it's Exhibit 15.</p> <p>13 I just didn't --</p> <p>14 A This first page is kind of hard to</p> <p>15 decipher, but what exactly do you want me to do</p> <p>16 with this?</p> <p>17 Q Well, on the first page, it says up in</p> <p>18 the top left-hand corner, it's an educational</p> <p>19 grant, correct?</p> <p>20 A "Educational Grant" under "Group," yes.</p> <p>21 Q And the grant is -- the title is</p> <p>22 "Federation of State Medical Boards, Responsible</p> <p>23 Opioid Prescribing: A Physician Guide," correct?</p> <p>24 A Correct.</p>	<p style="text-align: right;">Page 145</p> <p>1 grant to support purchase and distribution of</p> <p>2 Scott Fishman's book.</p> <p>3 BY MR. CRUEGER:</p> <p>4 Q And -- and Purdue is not the only entity</p> <p>5 that supported this book, correct?</p> <p>6 MR. SNAPP: Object to the form.</p> <p>7 THE WITNESS: I -- I have no information</p> <p>8 as to --</p> <p>9 BY MR. CRUEGER:</p> <p>10 Q If you look at the -- it's going to be</p> <p>11 Bates label page -- ends in 112. So -- and the --</p> <p>12 it's pretty close to the back.</p> <p>13 A As long as I'm going, let me just leaf</p> <p>14 through this so I know -- I -- (Peruses document.)</p> <p>15 112 did you say?</p> <p>16 Q Yes. The last three, 112, yes.</p> <p>17 A Okay. I'm sorry. I haven't reached</p> <p>18 that yet. I was at 102. I'm sorry.</p> <p>19 Okay, I see page 112. What's your</p> <p>20 question?</p> <p>21 Q So if you look --</p> <p>22 A I haven't read it, but --</p> <p>23 Q Well, if you just -- if you just want to</p> <p>24 read the bottom of 112, it's the e-mail that</p>

<p style="text-align: right;">Page 146</p> <p>1 starts with "From Pamela Bennett." You're on the 2 e-mail in the "to," and then the text of the 3 e-mail. 4 A (Peruses document.) Okay. 5 Q And so according to this e-mail from 6 Ms. Bennett, the companies Alpharma, Endo and 7 Cephalon also gave \$100,000 each to distribute 8 Mr. Fishman's book, correct? 9 A "... is limiting the number of pharma 10 funders to those that they currently have onboard, 11 Alpharma, Endo and Cephalon, and Purdue, if we 12 choose to participate." I don't see the 13 wording -- 14 Q The sentence after -- 15 A -- that you asked. 16 Q The sentence after that: "Each company 17 has provided a \$100,000 unrestricted grant" -- 18 A Mm-hmm. 19 Q -- "and the same will be in the grant 20 request made to Purdue." 21 A Okay. 22 Q So each company, Alpharma, Endo and 23 Cephalon, each provided \$100,000 to distribute 24 Mr. Fishman's book, correct?</p>	<p style="text-align: right;">Page 148</p> <p>1 August 27th, 2007. Correct? 2 A That's what it says, yes. 3 Q And if you go back to the -- the page 4 that ends in 112, the paragraph that starts 5 "Originally." 6 A Yes. 7 Q "Originally FSMB was not going to 8 approach Purdue because of our recent legal 9 issues." 10 Do you know what Ms. Bennett is 11 referring to? 12 A I don't. 13 Q Do you recall Purdue having to plead 14 guilty for felony misbranding of OxyContin? 15 A I -- 16 MR. SNAPP: Object to the form. 17 THE WITNESS: I do recall the -- the 18 lawsuit that was brought, and it settled around -- 19 was settled around 2007. I don't recall the date. 20 I'm sorry. 21 BY MR. CRUEGER: 22 Q Well, I guess -- 23 A But I think it was around 2007. 24 Q A settlement. You understand Purdue</p>
<p style="text-align: right;">Page 147</p> <p>1 A If they in fact did, I -- I don't really 2 know. 3 Q And those three companies, Alpharma, 4 Endo and Cephalon, they all manufacture opioids, 5 correct? 6 A I believe that's correct. I really 7 don't remember Alpharma. Is that still in 8 existence? 9 Q I don't know. 10 A I don't either. 11 Q But at least you can verify Endo and 12 Cephalon manufactured opioids, correct? 13 A To -- yes, that's my knowledge. 14 Q And Mr. Fishman's book is generally 15 favored -- favorable to prescribing opioids, 16 correct? 17 MR. SNAPP: Object to the form. 18 THE WITNESS: I can't answer that 19 question. Dr. Fishman, I'm generally familiar 20 that he -- he wrote a book, but I don't -- I 21 really couldn't tell you what the content of the 22 book is. 23 BY MR. CRUEGER: 24 Q Now, this e-mail was sent on Monday,</p>	<p style="text-align: right;">Page 149</p> <p>1 pled guilty, correct? 2 A I do, yes. 3 Q So -- and they pled guilty to felony 4 misbranding of OxyContin, correct? 5 MR. SNAPP: Object to the form. 6 THE WITNESS: I don't honestly recall 7 the charges. They're certainly a matter of public 8 record. I was not involved in the litigation. 9 BY MR. CRUEGER: 10 Q Did you ever read the -- the information 11 charging Purdue? 12 A I probably did back in that time frame, 13 but I haven't recently. 14 Q Did you ever read the agreed statement 15 of facts? 16 A I probably did back in that time frame, 17 but I don't recall the specificity of it. 18 Q Do you recall that Mr. Udell was also a 19 defendant in that case? 20 A I do. 21 Q So if you look at the other page. 22 A The other page, can you be specific? 23 Q Oh, sorry. The page that's above 24 Ms. Bennett's e-mail on 111. Oh, it's on -- it's</p>

<p style="text-align: right;">Page 150</p> <p>1 the Bates numbers ending 111.</p> <p>2 A Yes.</p> <p>3 Q And there's Ms. Bennett's e-mail and</p> <p>4 above it is an e-mail from Howard Udell, correct?</p> <p>5 A Yes.</p> <p>6 Q And he was your -- was he your boss at</p> <p>7 the time?</p> <p>8 A Yes, he would have been.</p> <p>9 Q And this is August 27th, correct?</p> <p>10 A It's correct.</p> <p>11 Q And he appears to be approving the grant</p> <p>12 request to pay \$100,000 to distribute</p> <p>13 Mr. Fishman's book, correct?</p> <p>14 MR. SNAPP: Object to the form.</p> <p>15 THE WITNESS: He states that -- I mean</p> <p>16 I -- would you ask your question again? I'm</p> <p>17 sorry. I just want to be responsive.</p> <p>18 BY MR. CRUEGER:</p> <p>19 Q Well, he is -- is it fair to say that</p> <p>20 Mr. Udell is approving the grant request?</p> <p>21 MR. SNAPP: Object to the form.</p> <p>22 THE WITNESS: I can't say that -- and</p> <p>23 this is just the way I read it. Again, I don't</p> <p>24 remember the e-mail or -- or the content of it.</p>	<p style="text-align: right;">Page 152</p> <p>1 correct?</p> <p>2 A It's August 27th, 2007, yes.</p> <p>3 Q Do you understand that Mr. Udell pled</p> <p>4 guilty on May 27th, 2007?</p> <p>5 A As I said, I didn't remember the date.</p> <p>6 I knew it was around 2007.</p> <p>7 Q Well, let's just make it an exhibit.</p> <p>8 (Rosen Exhibit No. 16 was marked</p> <p>9 for identification.)</p> <p>10 BY MR. CRUEGER:</p> <p>11 Q So this one is Exhibit 16. So...</p> <p>12 A Do you want me to read this entire --</p> <p>13 this document?</p> <p>14 Q You don't have to read the entire</p> <p>15 document. I'm looking more just for the date.</p> <p>16 A May -- May --</p> <p>17 Q May 10th?</p> <p>18 A -- and 20- -- it's kind of blurred here,</p> <p>19 but it looks like 2007. The middle two numbers</p> <p>20 are blurred, but --</p> <p>21 Q And this is Mr. Udell pleading guilty,</p> <p>22 it looks, to the -- to the offense of strict</p> <p>23 liability misdemeanor of misbranding a drug in</p> <p>24 violation of Title 21, correct?</p>
<p style="text-align: right;">Page 151</p> <p>1 He seems to be saying it's a lot of money. He</p> <p>2 feels that it should be part of the companies --</p> <p>3 that we should be part of the companies doing</p> <p>4 this.</p> <p>5 He said: "I'd hate to see Alparma,</p> <p>6 Endo and Cephalon and a fourth company do this and</p> <p>7 our name be missing. "My view is base," and I</p> <p>8 think that's probably a typo, "based on the</p> <p>9 assumption that the names of the funders will be</p> <p>10 widely circulated either by having their names on</p> <p>11 the book or otherwise."</p> <p>12 I just don't that I would read that as</p> <p>13 his approval but rather his opinion. But again, I</p> <p>14 don't remember it.</p> <p>15 BY MR. CRUEGER:</p> <p>16 Q But there's nothing in here from him</p> <p>17 blocking it, correct?</p> <p>18 A No, there's not. It's a short e-mail.</p> <p>19 That's why I read it.</p> <p>20 Q And Mr. Udell is signing this as the</p> <p>21 executive vice president and chief legal officer</p> <p>22 of Purdue?</p> <p>23 A That's on the e-mail and his title, yes.</p> <p>24 Q And again, this is August 27th, 2007,</p>	<p style="text-align: right;">Page 153</p> <p>1 MR. SNAPP: Object to the form.</p> <p>2 THE WITNESS: I would have to read the</p> <p>3 document. I'm reading the first sentence, it</p> <p>4 says: "I've entered into a plea agreement with</p> <p>5 the United States by counsel." It gives some</p> <p>6 rules, cites some rules.</p> <p>7 BY MR. CRUEGER:</p> <p>8 Q And if you look at the top of page 2.</p> <p>9 A All right.</p> <p>10 Q Where Mr. -- Mr. Udell says: "I am</p> <p>11 pleading guilty as described above because I am in</p> <p>12 fact guilty." I read that correctly?</p> <p>13 A Yes.</p> <p>14 Q Yet Mr. Udell is still at the company on</p> <p>15 August 27th, 2007?</p> <p>16 MR. SNAPP: Object to the form.</p> <p>17 THE WITNESS: He was.</p> <p>18 BY MR. CRUEGER:</p> <p>19 Q And he's still the chief legal officer</p> <p>20 for Purdue?</p> <p>21 MR. SNAPP: Object to the form.</p> <p>22 THE WITNESS: He is not still the chief</p> <p>23 legal officer.</p> <p>24 BY MR. CRUEGER:</p>

<p style="text-align: right;">Page 154</p> <p>1 Q But as of --</p> <p>2 A He's passed away.</p> <p>3 Q But as of August 27th, 2007, he was the</p> <p>4 chief legal officer.</p> <p>5 A He was, yes.</p> <p>6 Q And so after he pled guilty, he was not</p> <p>7 fired?</p> <p>8 MR. SNAPP: Object to the form.</p> <p>9 THE WITNESS: Apparently not. He was</p> <p>10 still the -- whatever the title was on that</p> <p>11 document.</p> <p>12 BY MR. CRUEGER:</p> <p>13 Q Did Purdue ever explain why Mr. Udell</p> <p>14 was still the chief legal officer after pleading</p> <p>15 guilty?</p> <p>16 MR. SNAPP: Object to the form.</p> <p>17 THE WITNESS: Not to me.</p> <p>18 BY MR. CRUEGER:</p> <p>19 Q Did you find that curious?</p> <p>20 A No.</p> <p>21 Q So you didn't find it curious at all</p> <p>22 that Mr. Udell pled guilty to a federal offense</p> <p>23 and remained in his job as the chief legal officer</p> <p>24 for Purdue?</p>	<p style="text-align: right;">Page 156</p> <p>1 sorry, this is taking a little longer. It's very</p> <p>2 small print.</p> <p>3 BY MR. CRUEGER:</p> <p>4 Q Yes.</p> <p>5 A I'm having trouble. (Peruses document.)</p> <p>6 Okay. I've read it.</p> <p>7 Q And the second e-mail on the first page,</p> <p>8 it starts with the from -- well, the date is</p> <p>9 two -- February 7th, 2008, at 9:3 p.m., so we're</p> <p>10 both looking at the same part.</p> <p>11 A I'm -- oh, yes, that's the third e-mail</p> <p>12 reference? Not the second.</p> <p>13 Q Oh, yeah. Sorry, I didn't realize that</p> <p>14 that's a -- there's a second e-mail in there.</p> <p>15 Do you recognize any of the people who</p> <p>16 are on the "to" or cc?</p> <p>17 A I seem to recognize the name Mary</p> <p>18 Bennett, but that's the only one. And I'm not</p> <p>19 exactly sure who Mary Bennett is, but it's a</p> <p>20 familiar name to me.</p> <p>21 Q And it refers to POPAN activities in the</p> <p>22 past month. Do you know what POPAN --</p> <p>23 A I don't. I don't know what that stands</p> <p>24 for.</p>
<p style="text-align: right;">Page 155</p> <p>1 MR. SNAPP: Object to the form.</p> <p>2 THE WITNESS: I -- I did not.</p> <p>3 BY MR. CRUEGER:</p> <p>4 Q Do you remember if Mr. Udell was still</p> <p>5 at Purdue in 2008?</p> <p>6 A I don't remember when Howard Udell left</p> <p>7 the company. I don't remember the date.</p> <p>8 Q Did he retire?</p> <p>9 A I -- I don't honestly know what his</p> <p>10 agreement was with the company, whether he retired</p> <p>11 or what.</p> <p>12 Q But at this time in 2007, he was your</p> <p>13 boss, correct?</p> <p>14 A At that time in 2007, he was still with</p> <p>15 the company and I still reported to him.</p> <p>16 Q You're going to need your reading</p> <p>17 glasses again for this one.</p> <p>18 A They're not very far away.</p> <p>19 (Rosen Exhibit No. 17 was marked</p> <p>20 for identification.)</p> <p>21 MR. SNAPP: Is this 17?</p> <p>22 MR. CRUEGER: Yeah.</p> <p>23 MR. SNAPP: Thanks.</p> <p>24 THE WITNESS: (Peruses document.) I'm</p>	<p style="text-align: right;">Page 157</p> <p>1 Q Is that an organization that's</p> <p>2 associated with the American Pain Foundation?</p> <p>3 A I don't know what POPAN is. I'm sorry.</p> <p>4 Q How about the -- there's another acronym</p> <p>5 in the paragraph -- that's paragraph 1, which is</p> <p>6 W-A -- W-A-K-P-I.</p> <p>7 A I'm sorry, where is it?</p> <p>8 Q If you look at number 1, it starts "Pain</p> <p>9 Care Forum."</p> <p>10 A Yes. Okay.</p> <p>11 Q So the W --</p> <p>12 A No, I -- that's not something I'm</p> <p>13 familiar with either. I -- this is not an e-mail</p> <p>14 I've ever seen to my knowledge. My name is not on</p> <p>15 it, and I have no recollection of any of this</p> <p>16 activity, and I don't know what that stands for.</p> <p>17 Q So do you recognize the Power Over Pain</p> <p>18 Action Network?</p> <p>19 A Can you tell me where that is?</p> <p>20 Q It's not. Would that be the acronym for</p> <p>21 POPAN, Power Over Pain Action Network?</p> <p>22 A Oh. I'm not --</p> <p>23 Q And so here this item number 1, it says:</p> <p>24 "The Pain Care Forum, a group in Washington, D.C.,</p>

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1 has been listening and strategizing with WAKPI
 2 president and POPAN state Professional leader
 3 (Dionetta) about the situation in Washington
 4 state." And "We have had two meetings so far."
 5 Correct?
 6 A That's what it says.
 7 Q And the situation in Washington state
 8 would be the -- the Washington State Guidelines,
 9 correct?
 10 MR. SNAPP: Object to the form.
 11 THE WITNESS: Well, that's also what it
 12 refers to is Washington.
 13 BY MR. CRUEGER:
 14 Q And so these people are -- well, it says
 15 that the Pain Care Forum has been strategizing
 16 with these outside groups about the Washington
 17 State Guidelines, correct?
 18 A That's what it says.
 19 Q So -- so the Pain Care Forum was coming
 20 up with a strategy on how to respond with -- to
 21 the Washington prescribing guidelines?
 22 MR. SNAPP: Object to the form.
 23 THE WITNESS: Well, I -- I would
 24 personally not agree that that's a correct

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1 statement. The Pain Care Forum was simply a -- an
 2 organization that convened meetings to share ideas
 3 and -- and share information and exchange ideas.
 4 The Pain Care Forum as an organization never
 5 really took a position on anything, for or
 6 against.
 7 BY MR. CRUEGER:
 8 Q But the Pain Care Forum was an
 9 organization where it could share information
 10 on -- and ideas on how to respond to the
 11 Washington state prescribing guidelines, correct?
 12 A Well, the pain -- certainly the Pain
 13 Care Forum was a place where they could share
 14 information and points of view, but the Pain Care
 15 Forum itself never took positions.
 16 Q And they could use the Pain Care Forum
 17 to coordinate a strategy on how to respond to an
 18 issue such as the Washington state prescribing
 19 guidelines?
 20 A Well, they certainly could get together
 21 with organizations that participated and respond,
 22 yes.
 23 Q And then, of course, the Pain Care Forum
 24 members, they would take positions on issues,

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1 correct?
 2 A The members --
 3 MR. SNAPP: Object to the form.
 4 THE WITNESS: -- were free to do
 5 anything they chose, yes.
 6 BY MR. CRUEGER:
 7 Q And they could take positions based on
 8 what they did to coordinate with other members in
 9 the Pain Care Forum, correct?
 10 A They --
 11 MR. SNAPP: Object to the form.
 12 THE WITNESS: They could in fact take
 13 positions and coordinate.
 14 (Rosen Exhibit No. 18 was marked
 15 for identification.)
 16 BY MR. CRUEGER:
 17 Q We're on 18.
 18 A Again, do you want me to read through
 19 this entire document, which says it's a draft of
 20 an interagency guideline? I've never seen -- I
 21 don't recall seeing this.
 22 Obviously, it was sent to me for
 23 purposes of distributing, but I don't recall ever
 24 seeing this document.

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1 Q That's correct. So Exhibit 18, that's
 2 an e-mail on January 4th, 2008, correct?
 3 A That's correct.
 4 Q And it was sent by Will Rowe, correct?
 5 A Yes.
 6 Q And again, he's the executive director
 7 of the American Pain Foundation?
 8 A He -- he was, yes.
 9 Q And it was sent to you and your
 10 administrative assistant, correct?
 11 A Correct.
 12 Q And it's to distribute information about
 13 the Washington State Guidelines --
 14 A That's correct.
 15 Q -- for the upcoming Pain Care Forum
 16 meeting, correct?
 17 A Can be distributed -- yes, before the
 18 Thursday meeting.
 19 Q And that was so that members could read
 20 the attached documents and discuss on how to
 21 respond to the Washington State Guidelines,
 22 correct?
 23 A That would be sharing the information,
 24 and I don't really recall what occurred at -- at

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1 the meeting.
 2 Q And so -- so if you're a manufacturer of
 3 opioids, you were concerned about these state
 4 guidelines because it could decrease sales,
 5 correct?
 6 MR. SNAPP: Object to the form.
 7 THE WITNESS: As I said, I really didn't
 8 work on this issue. I didn't -- wasn't involved
 9 in any activities in the state of Washington. I
 10 can't tell you what the guidelines said or didn't
 11 say, and I don't know what their impact would be.
 12 I don't recall ever reading the document. I see
 13 that it was sent to me for distribution, and I'm
 14 assuming either my admin or I distributed it.
 15 BY MR. CRUEGER:
 16 Q Well, it was --
 17 A But I don't know that.
 18 Q It was an important issue to Purdue,
 19 though, correct?
 20 MR. SNAPP: Object to the form.
 21 THE WITNESS: It may have been. Again,
 22 others in the company would have been involved
 23 with it if they -- if they were indeed.
 24 BY MR. CRUEGER:

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1 Q So -- and you would have participated in
 2 that Pain Care Forum meeting, correct?
 3 A I would have probably been present at
 4 that Pain Care Forum. Again, I can't say that --
 5 for sure that I -- every one I attended or didn't
 6 attend. But...
 7 Q Well, weren't -- were you generally the
 8 moderator of the Pain Care Forum?
 9 A I was generally, not -- but there were
 10 obviously times I'm sure that over the number of
 11 years that I, for one reason or another, may not
 12 have attended a meeting.
 13 Q And a -- strike that.
 14 (Rosen Exhibit No. 19 was marked
 15 for identification.)
 16 BY MR. CRUEGER:
 17 Q I'll give you what's labeled as
 18 Exhibit 19.
 19 A Thank you. (Peruses document.)
 20 Q And so this is a -- an e-mail from -- it
 21 starts from Scott Melville, correct?
 22 A That's correct. May -- I mean, sorry,
 23 March of 2008.
 24 Q And Mr. Melville works at the HDMA,

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1 correct?
 2 A At that time he did work for HDMA.
 3 Q And in this he was referring to a PCF
 4 call that happened on that day, March 13th,
 5 correct?
 6 A He does reference "on today's call." So
 7 I'm assuming that's correct, that there was a
 8 meeting day.
 9 Q And so apparently it looks like at that
 10 meeting it was discussed that FSMB is looking for
 11 help to support -- to publish and distribute the
 12 responsible opioid prescribing book that Mr. Scott
 13 Fishman wrote, correct?
 14 A It does appear that way.
 15 Q By the way, do you understand -- are you
 16 aware of whether David Haddox had any role in
 17 editing that book?
 18 MR. SNAPP: Object to the form.
 19 THE WITNESS: I'm not aware.
 20 BY MR. CRUEGER:
 21 Q Did he ever talk to you about it?
 22 A Not that I recall, no.
 23 Q And this e-mail from Mr. Melville is
 24 saying there may be some interest among the HDMA

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1 members to support the distribution of that book,
 2 correct?
 3 A That's what he says.
 4 Q And the HDMA members are McKesson and
 5 Cardinal Health. Those are two he names, correct?
 6 A He does.
 7 Q So McKesson and Cardinal Health are
 8 expressing interest in distributing a book on
 9 opioid prescribing, correct?
 10 MR. SNAPP: Object to the form.
 11 THE WITNESS: That's what he says.
 12 Well, I'm sorry, he says we represent them. He
 13 doesn't really represent their interest or not.
 14 BY MR. CRUEGER:
 15 Q Right. But he -- he mentions interest
 16 among by membership, correct?
 17 A Yes. That's right.
 18 Q And it's reasonable to assume if he
 19 mentions McKesson and Cardinal Health that he was
 20 using -- that he was referring to two of them as
 21 examples of people who might be interested in
 22 distributing the book, correct?
 23 A It appears that he was -- yes, that he
 24 was showing them as examples.

<p style="text-align: right;">Page 166</p> <p>1 Q And your e-mail just says, "Thanks, 2 Scott," your e-mail in response. 3 A That's what it says. 4 Q Okay. And did you do anything else with 5 respect to this issue? 6 A I -- I don't really remember the e-mail 7 or, frankly, the discussion at that meeting, but 8 I'm not -- I just obviously acknowledged it. I 9 don't really remember doing anything. Lisa seemed 10 to write back and say, Thank you, I'll follow up." 11 Q And did any of the HDMA membership 12 provide financial support to distribute -- 13 A I -- 14 Q Again, you have to wait. 15 A Sorry. Yeah. 16 Q I know it's tough to do. 17 A Yeah, I'm sorry. 18 Q He's going to want you to do it because 19 he wants to object about every third question. 20 A No problem. 21 Q So if -- do you recall or -- or not do 22 you recall. 23 Did any of the HDMA membership support 24 the publishing or distribution of the responsible</p>	<p style="text-align: right;">Page 168</p> <p>1 Q And it met weekly? 2 A You know, I don't recall whether it met 3 weekly. 4 Q Does it -- are you still on this 5 committee? 6 A I don't think it's functioned for a 7 number of years. 8 Q Okay. 9 A I -- if I'm technically still on it or 10 not, I -- I don't recall. I certainly haven't 11 chaired it for a number of years. 12 Q And Pamela Bennett was on this 13 committee, correct? 14 A As I recall, Pamela was on this. Was 15 she copied here? 16 Q And Alan Must was on this committee, 17 correct? 18 A As I recall, he was. 19 Q And Robin Abrams was on this committee, 20 correct? 21 A As I recall, she was as well, yes. 22 Q And she's an attorney, right? 23 A She is an attorney -- was an attorney at 24 Purdue. She's no longer with Purdue.</p>
<p style="text-align: right;">Page 167</p> <p>1 opioid prescribing book? 2 A Not to my knowledge. 3 (Rosen Exhibit No. 20 was marked 4 for identification.) 5 BY MR. CRUEGER: 6 Q So Exhibit 20, you do not have to read 7 through this. We can actually just start with the 8 cover page. 9 This is an e-mail from you to various 10 people at Purdue, correct? 11 A Yes. It appears to be from 2011. 12 Q And the subject is "The minutes of the 13 CEAC December 20th meeting," I assume that is, 14 correct? 15 A I assume so. 16 Q What is CEAC? 17 A Oh, boy. I -- let me try to remember 18 what the acronym meant. 19 Q It's actually on the next page. 20 A Oh, is it? Thank you. Because I 21 really don't -- Communications and External 22 Affairs Committee. 23 Q And you chaired that committee, correct? 24 A I did.</p>	<p style="text-align: right;">Page 169</p> <p>1 Q And she would also be involved in 2 business aspects of the company, correct? 3 MR. SNAPP: Object to the form. 4 THE WITNESS: I honestly don't know 5 the -- the -- you know, what her portfolio was or 6 was not. I don't know what she -- she was 7 involved with or not. 8 BY MR. CRUEGER: 9 Q Well, this committee, the Communications 10 and External Affairs Committee, its responsibility 11 was not to develop legal positions, correct? 12 MR. SNAPP: Object to the form. 13 THE WITNESS: You know, I'm not -- I 14 don't know if I need to consult with you on this 15 or not, whether it's privileged or -- or not. And 16 I don't really -- I don't really know the 17 technicality of legal opinion or not. 18 MR. SNAPP: Well -- 19 THE WITNESS: Can you be -- can somebody 20 help me here? 21 BY MR. CRUEGER: 22 Q Let me just -- let me just rephrase the 23 question. 24 Was the -- the purpose of this committee</p>

<p style="text-align: right;">Page 170</p> <p>1 was not to provide legal advice, correct?</p> <p>2 A No. The purp- -- no.</p> <p>3 Q What was the purpose of the committee?</p> <p>4 A The purpose was really I think, as I</p> <p>5 recall it -- again, it was a number of years</p> <p>6 ago -- but it was to just share information and</p> <p>7 discuss issues that were happening at the time.</p> <p>8 Q It was really to shape the message --</p> <p>9 Purdue's message as it was portrayed to the</p> <p>10 public, correct?</p> <p>11 MR. SNAPP: Object to the form.</p> <p>12 THE WITNESS: I'm -- I'm not sure that's</p> <p>13 an accurate description of it. I think that there</p> <p>14 were people in the company whose job it was to</p> <p>15 prepare external messaging, and I think that was</p> <p>16 all reviewed by the law department.</p> <p>17 BY MR. CRUEGER:</p> <p>18 Q But this committee did much more than</p> <p>19 just sit around and talk, correct?</p> <p>20 MR. SNAPP: Object to the form.</p> <p>21 THE WITNESS: Well, I mean, in essence,</p> <p>22 that's what we did. Of course, I think most of</p> <p>23 the time I was on the phone, because I was here</p> <p>24 and they were there, but there could have been</p>	<p style="text-align: right;">Page 172</p> <p>1 A Yeah, sure, let's be specific.</p> <p>2 Q And at the end of it, it has "Action</p> <p>3 responsibility, Burt Rosen ongoing," correct?</p> <p>4 A That's correct.</p> <p>5 Q So what --</p> <p>6 A What that meant is that that person</p> <p>7 would be responsible for any action items that</p> <p>8 would take place under that. It doesn't</p> <p>9 necessarily mean they were responsible for doing</p> <p>10 the action, but they were responsible for, you</p> <p>11 know, making sure that if there was an action to</p> <p>12 be taken that that person would sort of dog it, if</p> <p>13 you will, and make sure that it got done.</p> <p>14 Q And if it didn't got -- get done, you</p> <p>15 would go see -- for action item number 1, I would</p> <p>16 go see Burt Rosen, correct?</p> <p>17 A Right. You might do that and say, Has</p> <p>18 this been completed? if there was an action item.</p> <p>19 Q So can you just read item 1, just</p> <p>20 quickly look through it.</p> <p>21 A Yeah, certainly. (Peruses document.)</p> <p>22 Okay, I have read item number 1.</p> <p>23 Q So if you look at item number 1, and the</p> <p>24 first page where it starts about halfway down, it</p>
<p style="text-align: right;">Page 171</p> <p>1 times when I was present just because I happened</p> <p>2 to be there on that day.</p> <p>3 BY MR. CRUEGER:</p> <p>4 Q Mr. Rosen, in essence, we are just</p> <p>5 talking, but that's not the purpose of this</p> <p>6 deposition.</p> <p>7 So what was the actual purpose of the</p> <p>8 Communications and External Affairs Committee?</p> <p>9 MR. SNAPP: Object to the form.</p> <p>10 THE WITNESS: It was to share</p> <p>11 information among the people who were involved in</p> <p>12 communications and external affairs, which</p> <p>13 basically involved the communications group, the</p> <p>14 federal and state government relations groups, and</p> <p>15 I guess involved people from the law department,</p> <p>16 and I think from the policy -- the people who</p> <p>17 developed policies.</p> <p>18 BY MR. CRUEGER:</p> <p>19 Q So it was to coordinate actions within</p> <p>20 Purdue, correct?</p> <p>21 A It certainly discussed those activities,</p> <p>22 yes.</p> <p>23 Q Well, after -- let's just look at</p> <p>24 item 1, action items --</p>	<p style="text-align: right;">Page 173</p> <p>1 starts with the sentence, "On April 20th."</p> <p>2 A Yes.</p> <p>3 Q It says: "On April 20th, Representative</p> <p>4 Bono Mack sent a letter to FDA Commissioner asking</p> <p>5 the FDA to change the indication for extended-</p> <p>6 release oxycodone." Correct?</p> <p>7 A That's correct.</p> <p>8 Q And extended-release oxycodone, that</p> <p>9 would be referring to OxyContin, correct?</p> <p>10 A That would be OxyContin, correct.</p> <p>11 Q And it was to make the label more</p> <p>12 restrictive, correct?</p> <p>13 A That's correct.</p> <p>14 Q And the next sentence says: "The Pain</p> <p>15 Care Forum has established a legislative task</p> <p>16 force to address her registration -- her</p> <p>17 legislation." Correct?</p> <p>18 A Correct.</p> <p>19 Q So this is an example of the Pain Care</p> <p>20 Forum coordinating in order to respond to</p> <p>21 legislation, correct?</p> <p>22 MR. SNAPP: Object to the form.</p> <p>23 THE WITNESS: Yes. That -- let me</p> <p>24 answer it this way: The Pain Care Forum, as I</p>

<p style="text-align: right;">Page 174</p> <p>1 stated, did not take positions on anything. There</p> <p>2 was really no mechanism within the Pain Care Forum</p> <p>3 to do so.</p> <p>4 But the -- the -- and this is my -- my</p> <p>5 fault. It became shorthand for a lot of people,</p> <p>6 including myself, to refer to the Pain Care Forum</p> <p>7 as the Pain Care Forum, and rather than longhand,</p> <p>8 which was organizations that participated at the</p> <p>9 Pain Care Forum.</p> <p>10 But the answer to your question is, is</p> <p>11 that organizations that voluntarily chose to do so</p> <p>12 would coordinate for, against, or would and could</p> <p>13 coordinate as they so chose.</p> <p>14 BY MR. CRUEGER:</p> <p>15 Q And --</p> <p>16 A And that's what that meant.</p> <p>17 Q So the members of the Pain Care Forum</p> <p>18 who would meet during Pain Care Forum meetings to</p> <p>19 discuss how to coordinate the response to</p> <p>20 legislation, correct?</p> <p>21 MR. SNAPP: Object to the form.</p> <p>22 THE WITNESS: I don't think that's</p> <p>23 accurate. What happened was the Pain Care Forum</p> <p>24 did exactly as I've explained. They shared</p>	<p style="text-align: right;">Page 176</p> <p>1 to affect any legislation or any issue, for that</p> <p>2 matter, companies or -- and other organizations</p> <p>3 would organize separately.</p> <p>4 BY MR. CRUEGER:</p> <p>5 Q So -- but we don't have any record of</p> <p>6 what was discussed generally at Pain Care Forum</p> <p>7 meetings, correct?</p> <p>8 MR. SNAPP: Object to the form.</p> <p>9 THE WITNESS: I think that's correct,</p> <p>10 there were no official records kept of the</p> <p>11 discussion. Only the agenda items.</p> <p>12 BY MR. CRUEGER:</p> <p>13 Q And there were no transcripts of the</p> <p>14 discussions, correct?</p> <p>15 A Not to my knowledge.</p> <p>16 Q And the meetings were not publicly</p> <p>17 announced, correct?</p> <p>18 MR. SNAPP: Object to the form.</p> <p>19 THE WITNESS: Not publicly announced.</p> <p>20 They were basically scheduled at the beginning of</p> <p>21 each year for the year and shared with the -- all</p> <p>22 the participants.</p> <p>23 BY MR. CRUEGER:</p> <p>24 Q But the person working at Walgreens,</p>
<p style="text-align: right;">Page 175</p> <p>1 information and exchanged ideas. If a group</p> <p>2 within the Pain Care Forum chose to work on an</p> <p>3 issue together, they would go off and separately</p> <p>4 do that. But not necessarily at the Pain Care</p> <p>5 Forum meeting.</p> <p>6 BY MR. CRUEGER:</p> <p>7 Q And then the second sentence says: "The</p> <p>8 Pain Care Forum will also work on DEA legislation</p> <p>9 as it relates to REMS training." Correct?</p> <p>10 A And that would be the same, that a group</p> <p>11 of companies or organizations that participated in</p> <p>12 the Pain Care Forum would go off separately and</p> <p>13 may coordinate an effort on -- on a particular</p> <p>14 issue.</p> <p>15 Q So you would discuss Representative, at</p> <p>16 a Pain -- well, let me strike that.</p> <p>17 At a Pain Care Forum meeting, you would</p> <p>18 discuss Representative Bono Mack's legislation,</p> <p>19 correct?</p> <p>20 MR. SNAPP: Object to the form.</p> <p>21 THE WITNESS: It's possible that that</p> <p>22 would come up at an actual Pain Care Forum meeting</p> <p>23 if it was on the agenda, and it might be</p> <p>24 discussed. But if there was activity to attempt</p>	<p style="text-align: right;">Page 177</p> <p>1 they wouldn't know about the Pain Care Forum</p> <p>2 meeting, would they?</p> <p>3 MR. SNAPP: Object to the form.</p> <p>4 THE WITNESS: I -- they could have, but</p> <p>5 I don't really know. I mean they weren't sent the</p> <p>6 communication because they didn't participate, but</p> <p>7 that doesn't mean they didn't know that the Pain</p> <p>8 Care Forum existed and --</p> <p>9 BY MR. CRUEGER:</p> <p>10 Q Well, you didn't have a website, did</p> <p>11 you, correct?</p> <p>12 A No, we didn't have a website.</p> <p>13 Q So you wouldn't schedule a public</p> <p>14 meeting of the Pain Care Forum ever, correct?</p> <p>15 MR. SNAPP: Object to the form.</p> <p>16 THE WITNESS: No, there weren't public</p> <p>17 meetings.</p> <p>18 MR. SNAPP: We've been going a little</p> <p>19 more than an hour. Can we take a short break?</p> <p>20 MR. CRUEGER: Sure.</p> <p>21 MR. SNAPP: Thanks.</p> <p>22 THE VIDEOGRAPHER: The time is</p> <p>23 1:47 p.m., and we're going off the record.</p> <p>24 (Recess.)</p>

<p style="text-align: right;">Page 178</p> <p>1 THE VIDEOGRAPHER: The time is 2:01</p> <p>2 p.m., and we're back on the record.</p> <p>3 BY MR. CRUEGER:</p> <p>4 Q So if we turn back to Exhibit 20. If</p> <p>5 you look at the page that ends with the Bates</p> <p>6 number 06, and at the bottom it starts with</p> <p>7 "Washington Pain" -- "Washington State</p> <p>8 Guidelines."</p> <p>9 A Yes.</p> <p>10 Q If you just want to quickly read -- it</p> <p>11 starts on there, and then it goes down to the</p> <p>12 bottom on the next -- the middle of the next page</p> <p>13 with "Action Responsibility, Alan Must."</p> <p>14 So if you just want to read that</p> <p>15 paragraph?</p> <p>16 A I would, sure. (Peruses document.)</p> <p>17 Okay, I've read through "Action</p> <p>18 Responsibility Ongoing, Alan Must."</p> <p>19 Q So if you start on the -- the first part</p> <p>20 of that sentence where it says, "Washington State</p> <p>21 Guidelines." So this issue was discussed at this</p> <p>22 Communications and External Affairs Committee</p> <p>23 meeting, correct?</p> <p>24 A It -- yes. I don't recall it myself,</p>	<p style="text-align: right;">Page 180</p> <p>1 Communications and External Affairs Committee were</p> <p>2 reported to the board of directors, correct?</p> <p>3 MR. SNAPP: Object to the form.</p> <p>4 THE WITNESS: You know, I don't recall</p> <p>5 that.</p> <p>6 And I want to go back and say that being</p> <p>7 the chair of this committee gave me no special</p> <p>8 power. It was really that it was just my task, if</p> <p>9 you will, to -- to chair the meeting, try to make</p> <p>10 sure it happened on time, and to follow the</p> <p>11 activities, and that -- in this document. I don't</p> <p>12 recall making any presentation.</p> <p>13 BY MR. CRUEGER:</p> <p>14 Q So again, back to this part where it</p> <p>15 starts, "Washington State Guidelines."</p> <p>16 A Yes.</p> <p>17 Q So it refers to under -- the "XX MED" --</p> <p>18 sorry, under "XX MED," I was going to start</p> <p>19 reading that sentence. "The current" --</p> <p>20 Do you follow where I am?</p> <p>21 A I see "XX MED." It's in the middle of a</p> <p>22 sentence that says "Of particular concern."</p> <p>23 Q Yes, and then right underneath that is,</p> <p>24 "The current AMDG guidelines." So...</p>
<p style="text-align: right;">Page 179</p> <p>1 but it was 2011. But it is here in the document.</p> <p>2 Q And based on the length of this entry,</p> <p>3 it sounds like it was discussed somewhat</p> <p>4 extensively, correct?</p> <p>5 A Well, my recollection of this document</p> <p>6 was it was a cumulative document. So any given</p> <p>7 entry might, you know, it would start with the</p> <p>8 beginning, and then you would add to it.</p> <p>9 Q Okay.</p> <p>10 A So I don't -- I don't honestly remember,</p> <p>11 but I don't think that any topic was the topic of</p> <p>12 any particular meeting but, rather, an ongoing</p> <p>13 discussion.</p> <p>14 Q And that might be why it's called</p> <p>15 "Action items pending," correct?</p> <p>16 A That might be it. I don't really</p> <p>17 remember why those words were chosen, but -- but</p> <p>18 that was my recollection of how this document</p> <p>19 worked.</p> <p>20 Q And again, you were the -- the chair of</p> <p>21 this committee, correct?</p> <p>22 A I was. I -- I basically convened it and</p> <p>23 ran the meeting, if you will.</p> <p>24 Q And the activities of this</p>	<p style="text-align: right;">Page 181</p> <p>1 A Yes.</p> <p>2 Q So, "The current AMDG guidelines have a</p> <p>3 120 morphine equivalent dose as the threshold for</p> <p>4 consultation."</p> <p>5 A Can you tell me what AMDG stands for? I</p> <p>6 don't recall.</p> <p>7 Q I assume they refer to the Washington</p> <p>8 State Guidelines, correct?</p> <p>9 A I don't know. I don't recall that</p> <p>10 acronym.</p> <p>11 Q So -- they're published by the</p> <p>12 Washington State Agency Medical Directors' Group,</p> <p>13 AMDG.</p> <p>14 A Thank you.</p> <p>15 Q And it has a 120-milligram morphine</p> <p>16 equivalent dose as a threshold for consultation.</p> <p>17 That's what it says, correct?</p> <p>18 A That's what it says.</p> <p>19 Q And Purdue did not like that threshold,</p> <p>20 correct?</p> <p>21 MR. SNAPP: Object to the form.</p> <p>22 THE WITNESS: Again, I don't really -- I</p> <p>23 wasn't working on this guideline or this issue</p> <p>24 personally. I don't recall specifics.</p>

<p style="text-align: right;">Page 182</p> <p>1 BY MR. CRUEGER:</p> <p>2 Q Well, the next sentence says "we," and I</p> <p>3 assume that refers to "we" the committee, correct?</p> <p>4 A Where are you?</p> <p>5 Q Right after --</p> <p>6 A Yes. "We have begun."</p> <p>7 Q So, "We have recommended this issue be</p> <p>8 raised with by the Pain Care Forum with IOM."</p> <p>9 Do you follow me?</p> <p>10 A I'm there now, yes. I'm sorry. "We</p> <p>11 have recommended" --</p> <p>12 Q -- "this issue be raised with by the</p> <p>13 Pain Care Forum with IOM for consideration in</p> <p>14 their reports on the treatment of pain, which is</p> <p>15 due in June 11 -- in June 2011."</p> <p>16 Who is IOM? Is it the Institute of</p> <p>17 Medicine?</p> <p>18 A That could be the Institute of Medicine.</p> <p>19 Q And they were getting ready to prepare a</p> <p>20 report on pain?</p> <p>21 A They did have a report on pain. I don't</p> <p>22 recall the date. So, I'm not -- I'm -- that may</p> <p>23 be that report.</p> <p>24 Q And here Purdue is recommending that the</p>	<p style="text-align: right;">Page 184</p> <p>1 MR. SNAPP: Object to the form.</p> <p>2 THE WITNESS: I also don't see that here</p> <p>3 as well. As I've said many times, that, you know,</p> <p>4 we attempted to balance the appropriate use of the</p> <p>5 medicines for people in pain who benefitted from</p> <p>6 them, and at the same time we attempted to</p> <p>7 become -- to the degree possible, to support</p> <p>8 positions that mitigated the diversion, misuse and</p> <p>9 abuse of the products, and attempted to find the</p> <p>10 balance and be part of the solution.</p> <p>11 BY MR. CRUEGER:</p> <p>12 Q Purdue's business is to sell OxyContin</p> <p>13 and other opioids, correct?</p> <p>14 A Purdue is in business --</p> <p>15 MR. SNAPP: Object to the form.</p> <p>16 THE WITNESS: Sorry.</p> <p>17 MR. SNAPP: Object to the form.</p> <p>18 THE WITNESS: Purdue is in the business</p> <p>19 to manufacture, discover, and sell medicines, yes.</p> <p>20 BY MR. CRUEGER:</p> <p>21 Q More specifically, though, its business</p> <p>22 is to sell OxyContin, correct?</p> <p>23 MR. SNAPP: Object to the form.</p> <p>24 THE WITNESS: It's part of their</p>
<p style="text-align: right;">Page 183</p> <p>1 Pain Care Forum raise this issue with the</p> <p>2 Institute of Medicine, correct?</p> <p>3 MR. SNAPP: Object to the form.</p> <p>4 THE WITNESS: That's what -- what the</p> <p>5 words say.</p> <p>6 BY MR. CRUEGER:</p> <p>7 Q And again, just based on what you're</p> <p>8 reading in that paragraph and what we've read so</p> <p>9 far, Purdue is trying to undermine these</p> <p>10 guidelines, these Washington State Guidelines,</p> <p>11 correct?</p> <p>12 MR. SNAPP: Object to the form.</p> <p>13 THE WITNESS: I couldn't say that</p> <p>14 "undermine" is an appropriate word.</p> <p>15 BY MR. CRUEGER:</p> <p>16 Q But Purdue does not believe that they</p> <p>17 will have a positive effect on sales, correct?</p> <p>18 MR. SNAPP: Object to the form.</p> <p>19 THE WITNESS: I don't think it says</p> <p>20 anything about sales.</p> <p>21 BY MR. CRUEGER:</p> <p>22 Q And Purdue believes that it would have a</p> <p>23 negative impact on sales, these Washington State</p> <p>24 Guidelines, correct?</p>	<p style="text-align: right;">Page 185</p> <p>1 business to sell its medicine, yes.</p> <p>2 BY MR. CRUEGER:</p> <p>3 Q And OxyContin makes up a substantial</p> <p>4 percentage of Purdue's revenues or it did at the</p> <p>5 time, correct?</p> <p>6 MR. SNAPP: Object to the form.</p> <p>7 THE WITNESS: I don't know the numbers,</p> <p>8 but it is a substantial part of the -- of the</p> <p>9 business, yes.</p> <p>10 BY MR. CRUEGER:</p> <p>11 Q In fact, when Purdue lost its patent in</p> <p>12 2004, the business suffered, did it not?</p> <p>13 A The product became generic, and I</p> <p>14 can't -- I think there were five or six generic</p> <p>15 copies of the product, and -- and so the sales</p> <p>16 shifted to the generic products.</p> <p>17 Q But Purdue's business suffered, correct?</p> <p>18 MR. SNAPP: Object to the form.</p> <p>19 THE WITNESS: It would have suffered.</p> <p>20 BY MR. CRUEGER:</p> <p>21 Q And Purdue as a company suffered,</p> <p>22 correct?</p> <p>23 MR. SNAPP: Object to the form.</p> <p>24 THE WITNESS: Purdue suffered as a</p>

<p style="text-align: right;">Page 186</p> <p>1 company. It laid off a number of employees. 2 BY MR. CRUEGER: 3 Q About half the employees? 4 A About half the employees is my 5 recollection. 6 Q And you were understandably at that time 7 looking for a new job, correct? 8 MR. SNAPP: Object to the form. 9 THE WITNESS: Yes. I was surprised by 10 the first e-mail you gave me because I didn't 11 remember that, but obviously if you lost your 12 patent and the company was laying off half the 13 employees, I thought it might be prudent to -- 14 MR. CRUEGER: And -- 15 (Rosen Exhibit No. 21 was marked 16 for identification.) 17 BY MR. CRUEGER: 18 Q Well, I'm just going to hand you what is 19 Exhibit 21. 20 And this is a 2013 OxyContin annual 21 marketing plan, correct? 22 A Yes, that's what it states. I really 23 don't recognize this document. I'm not sure if 24 I've ever seen it before.</p>	<p style="text-align: right;">Page 188</p> <p>1 and LoT (90 days)." 2 So that's why Purdue is concerned about 3 the Washington guidelines, correct? 4 MR. SNAPP: Object to the form. 5 THE WITNESS: Once again, I really 6 didn't work on the Washington guidelines. I don't 7 know the specifics of it, and I don't know the 8 specific concerns. 9 BY MR. CRUEGER: 10 Q But you sat in on meetings of the -- the 11 CEAC committee that discussed the Washington 12 guidelines, correct? 13 A I -- I did sit in on meetings that 14 discussed the guidelines, but I do not recall any 15 specifics. 16 Q And you sat in on Pain Care Forum 17 meetings that discussed the guidelines? 18 A I did, and I don't recall any of the 19 specifics. It was not something that I had 20 responsibility for, and I really don't remember 21 any specifics. 22 Q And does this document that we're 23 looking at right now, page 13 of Exhibit 21, state 24 a concern of the Washington State Guidelines as it</p>
<p style="text-align: right;">Page 187</p> <p>1 I'm sorry, are you through with this 2 document? I'm just trying to -- 3 Q Yes, you can put it off to the side. 4 A -- keep it clean. As clean as I can. 5 Yes, that's what is stated. As I said, 6 I don't recall ever seeing this document. 7 Q And if you look at page 11 of the 8 document -- we won't have to read through the 9 whole thing -- section 1.4. 10 A Section 1.4. Yep. 11 Q It's on page 11, so -- found it. 12 A I found it. "Issues and Challenges"? 13 Q Correct. And it's issues and challenges 14 to sales of OxyContin, correct? 15 A It says "Critical Issues for 2013." 16 Q And if you then turn to page 13. 17 A I am on page 13. 18 Q The second bullet -- bullet point. 19 A Yes. 20 Q States: "Federal (example, DEA) and 21 state (example, New York I-STOP Act, Washington 22 State guidelines), regulatory changes may have 23 negative impacts on OxyContin, such as limiting 24 daily dose (equivalent to 100-milligram morphine)</p>	<p style="text-align: right;">Page 189</p> <p>1 may have a negative impact on OxyContin sales, 2 right? 3 MR. SNAPP: Object to the form. 4 THE WITNESS: May have a negative 5 impact. 6 BY MR. CRUEGER: 7 Q And we had discussed the Bono Mack 8 letter to the FDA that was in that CEAC committee 9 meeting. You recall that? 10 A You referenced it, yes. 11 Q And that was -- she had wrote -- she had 12 written a letter to the FDA wanting to change the 13 label, correct? 14 A That's my recollection, yes. 15 Q So -- and as this identifies: 16 "Narrowing opioid indication from moderate to 17 severe pain -- severe pain only could have a 18 negative impact on OxyContin sales." Correct? 19 MR. SNAPP: Object to the form. 20 THE WITNESS: That's what the words say. 21 BY MR. CRUEGER: 22 Q And so that's why there was a Pain Care 23 Forum legislative task force to address that 24 issue, correct?</p>

<p style="text-align: right;">Page 190</p> <p>1 MR. SNAPP: Object to the form.</p> <p>2 THE WITNESS: That was one of the</p> <p>3 issues, yes.</p> <p>4 BY MR. CRUEGER:</p> <p>5 Q You can put that to the side now.</p> <p>6 Are you familiar with something called</p> <p>7 REMS?</p> <p>8 A I am familiar with REMS. It stands for</p> <p>9 Risk Evaluation Mitigation Strategy.</p> <p>10 Q And just to kind of set a background, I</p> <p>11 don't know if you'll know the -- recall the year</p> <p>12 perfectly, but in 2007, Congress passed a law that</p> <p>13 gave the FDA authority to require companies, such</p> <p>14 as Purdue, to do Risk Evaluation mitigate -- and</p> <p>15 Mitigation Strategies, correct?</p> <p>16 A That's my recollection. It's not</p> <p>17 something I was really familiar with at the time,</p> <p>18 but -- but it did -- it was -- I do recall that</p> <p>19 there was a law passed that gave, I thought it</p> <p>20 was, additional authority for risk evaluation and</p> <p>21 mitigation strategies, or I think there may be</p> <p>22 something similar existed under another name. I'm</p> <p>23 not sure which. But -- but it was an extension of</p> <p>24 that authority, I think.</p>	<p style="text-align: right;">Page 192</p> <p>1 question. I don't know what the FDA specifically</p> <p>2 considered. I know that -- I seem to recall that</p> <p>3 there were -- let me think of a word -- elements</p> <p>4 of what a REMS might have or not have based on</p> <p>5 examples of other drugs. And I know that a -- a</p> <p>6 registry -- a physician registry was one of those</p> <p>7 elements that had existed in prior REMS.</p> <p>8 Q Well, the FDA was considering mandatory</p> <p>9 training for physicians who would prescribe --</p> <p>10 prescribe long-term acting opioids, correct?</p> <p>11 MR. SNAPP: Object to the form.</p> <p>12 THE WITNESS: I think the training was</p> <p>13 another element, and of course, it would be either</p> <p>14 voluntary or mandatory training.</p> <p>15 BY MR. CRUEGER:</p> <p>16 Q Well, let's just -- let's just be clear,</p> <p>17 because the REMS can have multiple elements,</p> <p>18 correct?</p> <p>19 A That's correct. That's what I'm trying</p> <p>20 to explain to you.</p> <p>21 Q So I just want to talk about the</p> <p>22 physician certification or physician training</p> <p>23 element.</p> <p>24 A Training element. Okay.</p>
<p style="text-align: right;">Page 191</p> <p>1 Q And right around 2008, you learned that</p> <p>2 the FDA was thinking of requiring a REMS program</p> <p>3 for extended-release opioids, correct?</p> <p>4 A That's correct. I -- again, I don't</p> <p>5 recall the date, but I -- it was around 2008,</p> <p>6 that's probably accurate.</p> <p>7 Q And extended-release opioids would</p> <p>8 include OxyContin, correct?</p> <p>9 A It would.</p> <p>10 Q And in response, the Pain Care Forum set</p> <p>11 up a task force, correct, a REMS task force?</p> <p>12 A That --</p> <p>13 MR. SNAPP: Object to the form.</p> <p>14 THE WITNESS: That is my memory, yes.</p> <p>15 BY MR. CRUEGER:</p> <p>16 Q And the point of the REMS task force was</p> <p>17 to coordinate strategy and how to address the</p> <p>18 FDA's REMS proposals, correct?</p> <p>19 A I think that's fair, yes.</p> <p>20 Q And so the FDA, when it was proposing a</p> <p>21 risk evaluation/mitigation strategy, one of the</p> <p>22 things it was looking at was a -- a doctor</p> <p>23 certification, correct?</p> <p>24 A I'm really not sure how to answer your</p>	<p style="text-align: right;">Page 193</p> <p>1 Q So -- and one of the issues the FDA was</p> <p>2 considering was having a -- a mandatory training</p> <p>3 element, correct?</p> <p>4 A There -- yes, there were two sides. A</p> <p>5 training program obviously could be a voluntary or</p> <p>6 a mandatory training program.</p> <p>7 (Rosen Exhibit No. 22 was marked</p> <p>8 for identification.)</p> <p>9 BY MR. CRUEGER:</p> <p>10 Q I hand you what's labeled Exhibit 22.</p> <p>11 A (Peruses document.)</p> <p>12 Q You don't have to read all the articles.</p> <p>13 We're not going to -- we could -- we could spend</p> <p>14 all day talking about REMS, but we're going to be</p> <p>15 very focused. So...</p> <p>16 A All right. I'll just -- let me just</p> <p>17 look at the second one and just see the titles,</p> <p>18 and if you ask me a specific question that's in</p> <p>19 the article, then I would like to go back and read</p> <p>20 it.</p> <p>21 Q No problem.</p> <p>22 A All right. And your question?</p> <p>23 Q So this is a February 2009 e-mail,</p> <p>24 correct?</p>

<p style="text-align: right;">Page 194</p> <p>1 A It is.</p> <p>2 Q And you're on the "to" list on the</p> <p>3 e-mail, correct?</p> <p>4 A Well, I'm sorry, but I don't see my name</p> <p>5 in the e-mail. I don't know who Erin Fry is,</p> <p>6 first of all, and I don't see my name there. Am I</p> <p>7 copied on this e-mail?</p> <p>8 Q Well, it's hard to see them sometimes in</p> <p>9 these. So after -- you see in that first line</p> <p>10 starts with A.Fleming?</p> <p>11 A Yes.</p> <p>12 Q That's you at the end of the first line,</p> <p>13 correct, Burt.Rosen?</p> <p>14 A Yes, it is. I'm sorry. I see it's not</p> <p>15 in capital letters or anything. "Thank you for</p> <p>16 sharing the attached articles." Okay.</p> <p>17 I don't recall who Erin Fry is, but go</p> <p>18 ahead.</p> <p>19 Q And the TRF coalition members, what is</p> <p>20 the TRF?</p> <p>21 A Well, I was struggling with that, to be</p> <p>22 honest with you.</p> <p>23 Q Could it be tamper-resistant</p> <p>24 formulation?</p>	<p style="text-align: right;">Page 196</p> <p>1 program will be massive," and there's a section</p> <p>2 that starts: "What can REMS do that risk plans</p> <p>3 didn't?"</p> <p>4 And if you just want to quickly read</p> <p>5 that until the next section, which is "REMS in the</p> <p>6 Works." We're just going to talk about that</p> <p>7 little issue.</p> <p>8 A (Peruses document.) Okay, I've just</p> <p>9 read that section.</p> <p>10 Q Okay. And it refers to a person</p> <p>11 Jenkins, and that is -- let's just agree, it's up</p> <p>12 early in the article, it's John Jenkins, who is</p> <p>13 the Office of New Drug directors at the FDA.</p> <p>14 A I'm familiar with his name. I don't</p> <p>15 know Dr. Jenkins, but I know who he is.</p> <p>16 Q And in here Dr. Jenkins is quoted on</p> <p>17 talking about the educational part of a potential</p> <p>18 classwide REMS for opioids, correct?</p> <p>19 A Yes. He says that: "The risk programs</p> <p>20 are voluntary and are mainly education and</p> <p>21 surveillance based."</p> <p>22 Q And in the last sentence of that section</p> <p>23 that you read, it says: "Mandatory training and</p> <p>24 registration of doctors and a restriction -- a</p>
<p style="text-align: right;">Page 195</p> <p>1 A That -- that could be.</p> <p>2 And my confusion now, that you say that,</p> <p>3 is that these form- -- these types of formulations</p> <p>4 have been referred to as tamper resistant, and</p> <p>5 they've also been referred to as abuse deterrent.</p> <p>6 And as I recall, the change occurred at the</p> <p>7 request of the FDA, and the more recent is abuse</p> <p>8 deterrent.</p> <p>9 Q And what I'm actually a little more</p> <p>10 interested in isn't so much the -- the e-mail.</p> <p>11 It's just the attached -- the pink sheet.</p> <p>12 A Oh, well, okay.</p> <p>13 Q And it's the first one.</p> <p>14 A Yes.</p> <p>15 Q And actually if you --</p> <p>16 A Well, then --</p> <p>17 Q If you just want to --</p> <p>18 A -- do you want me to read that article?</p> <p>19 Q You don't have to read the whole thing.</p> <p>20 Will you just start at the bottom of page -- it</p> <p>21 says -- the bottom page of 1 of 3, it starts --</p> <p>22 A 1 of 3?</p> <p>23 Q Yeah. So the first page of this article</p> <p>24 of "Record-setting REMS. FDA's classwide opioid</p>	<p style="text-align: right;">Page 197</p> <p>1 restriction distribution system are also among the</p> <p>2 elements that FDA is considering."</p> <p>3 Do you see that?</p> <p>4 A Well, I see "mandatory training for or</p> <p>5 registration of prescribing physicians." Where's</p> <p>6 the other part?</p> <p>7 Q I don't know if we're on the same part</p> <p>8 then. It's the -- right above the section that</p> <p>9 says, "REMS in the work for some time." It</p> <p>10 starts --</p> <p>11 A That paragraph, "The programs really" --</p> <p>12 Q Yeah. And then the --</p> <p>13 A (Peruses document.) Okay.</p> <p>14 Q And so the FDA was considering as part</p> <p>15 of the REMS having a mandatory training and</p> <p>16 registration of doctors who would prescribe</p> <p>17 long-term opioids, right?</p> <p>18 A I think that's correct. As I stated</p> <p>19 earlier, they were looking at education programs</p> <p>20 that could be either voluntary or mandatory.</p> <p>21 Q And again, we've already established,</p> <p>22 and it's not very controversial, that opioids such</p> <p>23 as OxyContin are dangerous, correct?</p> <p>24 MR. SNAPP: Object to the form.</p>

<p style="text-align: right;">Page 198</p> <p>1 THE WITNESS: They are Schedule II 2 drugs, and by definition, I believe that that's 3 true, yes. 4 BY MR. CRUEGER: 5 Q And you would agree that it's a good 6 thing for a doctor to be trained on how to 7 prescribe these dangerous drugs? 8 A I would agree. 9 Q And you would also agree, especially as 10 a one-time patient, that a patient would want 11 their doctor to be trained on how to use these 12 dangerous drugs, correct? 13 A As a patient, I would think so, yes. 14 Q So if we look at the next one, which 15 is -- 16 (Rosen Exhibit No. 23 was marked 17 for identification.) 18 BY MR. CRUEGER: 19 Q So I'll hand you Exhibit 23. 20 A (Peruses document.) 21 Q We're only going to talk about a very 22 short part of the letter itself, so you don't have 23 to -- you're free -- feel free to read it -- 24 A Yeah, let me read it since it's a letter</p>	<p style="text-align: right;">Page 200</p> <p>1 I don't remember this specific e-mail, but I -- I 2 do see it and that's what it refers to. 3 Q And did you draft the letter? 4 A I doubt it. I'm sure I did not. It's 5 much more detailed than anything that I would have 6 the knowledge to -- to draft. 7 Q But it did come from Purdue? 8 A I -- I don't know who drafted it, to be 9 honest with you. I'm sure I didn't write this 10 letter. 11 Q Is there a way to find out who drafted 12 it? 13 A I don't know. 14 Q And the idea is you were -- this was 15 going to be circulated at the Pain Care Forum 16 meeting or prior to the meeting potentially? 17 A Well, it appears at the task force. 18 Q To the task force. Okay. 19 A But I don't -- I mean, it's a long time 20 ago, and I don't remember the exact -- 21 Q So there were -- there were separate 22 Pain Care Forum REMS task force meetings? 23 MR. SNAPP: Object to the form. 24 THE WITNESS: There would be -- there</p>
<p style="text-align: right;">Page 199</p> <p>1 and it's only a few pages, if you don't mind. 2 Q Oh, no problem. 3 A (Peruses document.) Okay. 4 Q So this is the -- is the cover of the 5 e-mail. The first page of Exhibit 23 shows this 6 is an e-mail from you to Will Rowe at the American 7 Pain Foundation, correct? 8 A That's correct. 9 Q And it's dated Wednesday, 11/26/2008, 10 correct? 11 A That's correct. 12 Q And the subject is "A draft"? 13 A That's correct. 14 Q And it's attaching the document that you 15 just read through, which is the draft of the PCF 16 REMS task force letter, correct? 17 A That's correct. 18 Q And that means Pain Care Forum, right, 19 the PCF? 20 A It would refer to the Pain Care Forum. 21 Q So it was a draft of a letter that the 22 Pain Care Forum task force was putting together, 23 correct? 24 A That appears to be what it is. I mean,</p>	<p style="text-align: right;">Page 201</p> <p>1 could be, yes. Whenever anyone created a task 2 force or a -- whatever they wanted to call it, a 3 separate -- as I've explained, the Pain Care Forum 4 itself really took no positions, but groups within 5 the Pain Care Forum were free to do so or not. 6 BY MR. CRUEGER: 7 Q So that's -- I want to actually flesh 8 that out a little. So if you turn the page. 9 A Yes. 10 Q It says, "To: FDA." 11 A Yes. 12 Q And it says: "The undersigned write to 13 urge the Food and Drug Administration to adopt a 14 classwide Risk Evaluation and Mitigation 15 Strategy." 16 So -- so what you mean by the Pain Care 17 Forum doesn't take a -- a position is that the 18 Pain Care Forum itself is not going to be a 19 signatory to this letter, correct? 20 A That's correct. The Pain Care Forum had 21 no -- there was no -- no one or nothing or nobody 22 or no process where -- which would authorize 23 anyone to speak for the Pain Care Forum. It just 24 wasn't that kind of an organization. It simply</p>

<p style="text-align: right;">Page 202</p> <p>1 convened meetings for information and sharing</p> <p>2 points of view.</p> <p>3 Q So it would be members of the Pain Care</p> <p>4 Forum.</p> <p>5 A It would be anyone who chose to do so.</p> <p>6 Q And in this case, members of the Pain</p> <p>7 Care Forum who got together to form a Pain Care</p> <p>8 Forum REMS task force, correct?</p> <p>9 A That's correct.</p> <p>10 Q And the point of this letter was to try</p> <p>11 to influence the FDA's decision-making on REMS,</p> <p>12 correct?</p> <p>13 MR. SNAPP: Object to the form.</p> <p>14 THE WITNESS: It appears that the</p> <p>15 purpose of this letter was to encourage the FDA to</p> <p>16 go ahead and do exactly what they were intending</p> <p>17 to do.</p> <p>18 And as you've read this yourself, I'm</p> <p>19 sure, it states that, you know, opioids are</p> <p>20 dangerous drugs, that they can misused, abused and</p> <p>21 diverted. And basically it, I think, the way I</p> <p>22 read it, speaks very positively towards moving</p> <p>23 forward but moving forward as a class.</p> <p>24 BY MR. CRUEGER:</p>	<p style="text-align: right;">Page 204</p> <p>1 think what -- the way I read this letter is it</p> <p>2 basically says that the FDA should create a single</p> <p>3 REMS.</p> <p>4 This appears to be early in the process,</p> <p>5 and I don't think it's -- I don't read it as being</p> <p>6 very specific on exactly how the REMS ultimately</p> <p>7 would come out. I do see that it mentions</p> <p>8 elements of a REMS, but it really just -- I think</p> <p>9 the purpose, again the way I read it, is to</p> <p>10 encourage the FDA to do a class REMS as opposed to</p> <p>11 single, multiple, duplicative REMS.</p> <p>12 BY MR. CRUEGER:</p> <p>13 Q Right. And by "encourage," you mean to</p> <p>14 influence their ultimate decision-making process?</p> <p>15 A Yes, sir. With respect to a classwide</p> <p>16 REMS.</p> <p>17 Q So if you want to turn to page -- it</p> <p>18 would be page 3 of the letter. It ends in 15, and</p> <p>19 the Bates number --</p> <p>20 A Yes. 15.</p> <p>21 Q It's the "Elements of a Classwide REMS"</p> <p>22 section.</p> <p>23 A Yes.</p> <p>24 Q That last paragraph says: "In</p>
<p style="text-align: right;">Page 203</p> <p>1 Q And --</p> <p>2 A If I could just finish explaining.</p> <p>3 Q Sure.</p> <p>4 A That would be preferable to having</p> <p>5 single REMS on single products. And the reason</p> <p>6 for that is, as the letter states, is that it</p> <p>7 would be a very cumbersome process if a -- if a</p> <p>8 prescriber was required or even voluntarily to</p> <p>9 look at say dozens of REMS, all of which were --</p> <p>10 the purpose of which was to do essentially the</p> <p>11 same thing. Because all opioids, and certainly</p> <p>12 all extended-release opioids, have the same or</p> <p>13 nearly the same risks and benefits, and therefore</p> <p>14 it just seemed to make sense to do a class REMS as</p> <p>15 opposed to dozens of individual REMS. It would</p> <p>16 duplicate.</p> <p>17 Q And by encourage the FDA, though, you</p> <p>18 mean that the members of the Pain Care Forum</p> <p>19 task -- REMS task force who signed on to this</p> <p>20 letter were trying to influence the FDA's ultimate</p> <p>21 decision on what types of REMS to have for</p> <p>22 long-term acting -- long-acting opioids, correct?</p> <p>23 MR. SNAPP: Object to the form.</p> <p>24 THE WITNESS: Well, as I've stated, I</p>	<p style="text-align: right;">Page 205</p> <p>1 considering the appropriate elements to include in</p> <p>2 a class REMS for opioid analgesics, we encourage</p> <p>3 FDA to implement targeted physician and pharmacist</p> <p>4 education and certification requirements as a</p> <p>5 prerequisite to prescribing and dispensing these</p> <p>6 products."</p> <p>7 Correct?</p> <p>8 A That's what it says.</p> <p>9 Q So in this draft, you are also asking or</p> <p>10 encouraging the FDA to have a certification</p> <p>11 requirement for prescribers who wish to prescribe</p> <p>12 long-acting opioids, correct?</p> <p>13 A Of training, yes. Of education.</p> <p>14 Q And that would be a prerequisite to them</p> <p>15 being able to prescribe the products, correct?</p> <p>16 A "In considering the appropriate elements</p> <p>17 to include in a class REMS for opioid analgesics,</p> <p>18 we encourage FDA to implement targeted physician</p> <p>19 and pharmacy -- pharmacist education and</p> <p>20 certification requirements as a prerequisite to</p> <p>21 prescribing and dispensing these products."</p> <p>22 Q And that was the draft that was</p> <p>23 circulated amongst the REMS --</p> <p>24 A That was the draft, yes, sir.</p>

<p style="text-align: right;">Page 206</p> <p>1 MR. SNAPP: Object to the form. 2 BY MR. CRUEGER: 3 Q I'm sorry, I just have to finish the 4 question. 5 This was the draft that was then 6 circulated to the PCF REMS task force members, 7 correct? 8 MR. SNAPP: Object to the form. 9 THE WITNESS: I assume so, but I don't 10 know what happened to this, whether this -- I 11 don't know what happened after this. I didn't 12 remember this e-mail specifically, and I don't 13 know what followed. I don't have a vivid rec -- 14 recollection. 15 BY MR. CRUEGER: 16 Q Okay. And then next one. You can put 17 that to the side. 18 (Rosen Exhibit No. 24 was marked 19 for identification.) 20 BY MR. CRUEGER: 21 Q So Exhibit 24. 22 So this is an e-mail that comes a little 23 bit after the e-mail that we saw in Exhibit 23, 24 correct?</p>	<p style="text-align: right;">Page 208</p> <p>1 Q Was he still your boss in December of 2 2008? 3 A Yes. I mean apparently he hadn't left 4 at that date. I'm not trying to be evasive. It's 5 just I don't recall when he left. But, yes, if he 6 was -- if I sent it to him, I'm sure he was there. 7 Q And then you also sent it to Dr. David 8 Haddox, correct? 9 A I did. 10 Q And the e-mail talks about the -- the 11 continuing -- the Pain Care Forum's work on REMS, 12 correct? 13 A It does refer to -- it would be an 14 agenda item. 15 Q And it's circulating a draft to the -- 16 the people who are attached -- or people who are 17 included in this e-mail, correct? 18 A It is. 19 Q And -- if you look at the attachment. 20 A Yes. 21 Q The draft, so it starts -- the last two 22 numbers are 58. 23 A Yes. 24 Q And then this draft, there's actually --</p>
<p style="text-align: right;">Page 207</p> <p>1 A Yes. 2 Q So your Exhibit 23 was November 26 and 3 this is December 10th. 4 A That's correct. 5 So shall I read this one? 6 Q Well, let's just look at the cover, and 7 then -- let's start with that, and if you want to 8 read the entire attachment, you can. 9 But -- and this e-mail from Will Rowe is 10 to various members of the PCF REMS task force, 11 correct? 12 A I would assume so. But I can't honestly 13 say who volunteered to participate and who didn't. 14 Q And you're on this e-mail, correct? 15 A I am. 16 Q And then you forward this e-mail to 17 various people at Purdue, correct? 18 A I did. 19 Q And -- and this includes Mr. Howard 20 Udell, correct? 21 A I did forward this to Howard Udell. 22 Q And so Mr. Udell in 2000 -- December of 23 2008 is still working at Purdue, correct? 24 A That's my assumption, yes.</p>	<p style="text-align: right;">Page 209</p> <p>1 it's addressed to someone a bit more specific at 2 the FDA than just the FDA, correct? 3 A Correct. I don't -- it's terrible to 4 say, I don't recall Eschenbach, but he must have 5 been the Commissioner in that -- in those years. 6 Q And if you turn to what is -- the last 7 two numbers of the page of this letter are 60 in 8 the bottom on the Bates number. 9 A Yes. 10 Q And that -- I guess we call it the -- 11 the final paragraph that starts "In considering." 12 A "In considering." 13 Q So, "In considering the appropriate 14 tools to include in a classwide REMS for opioid 15 analgesics, we encourage FDA to implement targeted 16 prescriber and pharmacist education with 17 appropriate confirmation requirements as a 18 prerequisite to prescribing and dispensing these 19 products." 20 Have I read that correctly? 21 A That's what it says, yes. 22 Q And so in this draft of the letter, 23 the -- the Pain Care Forum task force members are 24 still considering encouraging the FDA to adopt</p>

<p style="text-align: right;">Page 210</p> <p>1 a -- what would be a mandatory prescriber 2 education requirement, correct? 3 A Yes. I'd have to go back. I don't 4 think that's a change, is it? 5 Q I -- in substance, I don't believe it 6 is. So... 7 A Okay. 8 Q So we will go to the next one. 9 A I mean I -- I could read this letter. 10 I'm not sure without a lot of analysis I could 11 tell the differences or the changes. 12 Q Oh, just the change in that one 13 sentence. I'm not worried about the rest of the 14 letter. So... 15 A Okay. 16 (Rosen Exhibit No. 25 was marked 17 for identification.) 18 THE WITNESS: Are you through with that? 19 BY MR. CRUEGER: 20 Q Yes. You can put that to one side. 21 A (Peruses document.) 22 Okay. And I see another draft of the 23 letter, and I -- again, without some comparison 24 and analysis, I can't tell if this is the same</p>	<p style="text-align: right;">Page 212</p> <p>1 A They represent distributors and 2 wholesalers, yes. That's what they say. 3 Q Yeah. And -- and the HDMA 4 representative in the Pain Care Forum was also 5 participating in the Pain Care Forum REMS task 6 force, correct? 7 A It appears that somebody was. Scott -- 8 Scott, who had forwarded this to her. 9 Q And -- 10 A Because she asks to be included in 11 future e-mails. 12 Q And in her -- the text the first 13 sentence after, Dear -- "Dear Will," and she has a 14 few comments on the -- on the letter, correct? 15 A That is correct. 16 Q And she references that there was a 17 phone call, correct? 18 A She does. 19 Q And that phone call was obviously to 20 discuss the draft of the letter about the -- about 21 REMS, correct? 22 MR. SNAPP: Object to the form. 23 THE WITNESS: I would assume so. I 24 mean, as I had explained earlier, meetings of the</p>
<p style="text-align: right;">Page 211</p> <p>1 draft, a different draft, a third draft or what, 2 but I have read the -- the cover e-mail. 3 Now, let me just look here. I don't 4 know what this is at the very end. Oh, 5 background. I think that was in the first one, 6 but -- so, again, I just can't verify without -- 7 which I'm glad to take if you want, but I can't 8 verify which draft was which. 9 Q No, we're not -- we're not going to look 10 at the attachment actually this time. 11 A Okay. 12 Q We're just going to focus on the -- 13 really the first page. 14 A Okay. 15 Q So the -- the third e-mail down, it 16 starts, "From Anita Ducca." 17 A Correct. 18 Q And she is the senior director of 19 Regulatory Affairs and Healthcare Policy at the 20 HDMA, correct? 21 A That is her title, yes. 22 Q And that's the organization that 23 represents distributors like McKesson and Cardinal 24 Health as well as pharmacies, correct?</p>	<p style="text-align: right;">Page 213</p> <p>1 forum itself were in person for some people and on 2 the phone for others. 3 I don't honestly recall if this meeting 4 was just a phone call or similarly a combination. 5 BY MR. CRUEGER: 6 Q And she is stating that she agrees with 7 others that the letter shouldn't mention a 8 certification requirement for physicians or anyone 9 else, for that matter, correct? 10 A She says that: "For now we shouldn't 11 mention a certification requirement for physicians 12 or anyone else, for that matter." 13 Q So -- and then you forward -- actually, 14 Will Rowe forwards that comment to you, correct? 15 A That's correct. 16 Q And then you forward that to other 17 people at Purdue, correct? 18 A That's correct. 19 Q Including Dr. Haddox, correct? 20 A Yes. 21 Q Again, your -- your boss, Mr. Udell? 22 A Yes. 23 Q Dr. Craig Landau, what was his role 24 in -- in the Pain Care Forum?</p>

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1 A He had no role in the Pain Care Forum.
2 I believe at that time he was -- he has had
3 several jobs at the company. I don't recall at
4 that date what his job was. It could have been
5 medical affairs or research.

6 Q And this is obviously forwarding
7 comments, because these people at Purdue that
8 you've forwarded the comments to, were they
9 involved in formulating Purdue's position on what
10 a FDA REMS for long-acting opioids should look
11 like?

12 A I can't say that they were the people
13 who were formulating any position. As I said, I
14 don't recall what position Dr. Landau held at that
15 time. I know that Anthony Santopolo was the head
16 of Regulatory Affairs, so obviously FDA issues.

17 And -- again, those were -- you know,
18 lawyers, and I don't know, you know, who formed
19 exactly the positions at that point in time. I
20 think at this point it was just informational.

21 Q And so here the -- the HDMA and others
22 are -- are proposing that there should not be --
23 or at least in this letter, they should not be
24 proposing that the FDA adopt a mandatory training

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1 requirement for physicians to prescribe opioids,
2 correct?

3 MR. SNAPP: Object to the form.

4 THE WITNESS: It -- it says that they --
5 "We shouldn't mention certification requirements
6 at this time."

7 (Rosen Exhibit No. 26 was marked
8 for identification.)

9 BY MR. CRUEGER:

10 Q Exhibit 26.

11 A (Peruses document.)

12 This is 2009, so this is a little bit
13 later. Okay.

14 Q It's about a month later, I guess.

15 A Yes.

16 Q So it's January 23rd, 2009.

17 If you just turn the page, at the top it
18 says "PCF REMS" letterhead -- or
19 "Letterfinal1.doc," right? We'll say that --

20 A It does. Is that an attachment or --

21 Q I assume that refers to the letter
22 that's attached to this --

23 A Okay.

24 Q -- e-mail.

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1 I just want to point out, though, in
2 this, what appears to be, a calendar entry that's
3 somehow copied into this e-mail, it's -- the
4 subject says "PCF REMS Task Force."

5 Do you see that?

6 A I do.

7 Q And it just has different people. I
8 assume this is who was being e-mailed and
9 participating in the PCF REMS task force.

10 MR. SNAPP: Object to the form.

11 THE WITNESS: I assume so. This is --
12 not from me, and I don't really recall this --
13 whatever this is. Is this a form?

14 BY MR. CRUEGER:

15 Q I couldn't tell you. It looks like
16 someone somehow copied in a calendar entry. I --

17 A Okay.

18 Q But they've attached what it seems --
19 what is the -- a final letter, correct? And
20 starting at page -- it's -- the last Bates numbers
21 are 41.

22 A (Peruses document.) It does -- so, I'm
23 sorry, just the first thing that I see is it's not
24 addressed to Eschenbach anymore but rather to

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1 somebody by the name of Frank Torti, who is the
2 Acting Commissioner, so something changed.

3 But let's see, the undersigned -- so
4 this appears to be a different letter.

5 Q And just -- just so we're clear, if
6 you -- if you turn to the page, the last two Bates
7 numbers are 39, is the text of the e-mail.

8 A Yes.

9 Q And it says: "Attached is the FDA REMS
10 letter with final signatories."

11 A Yes.

12 Q So -- and that's what he's referring to
13 here -- or the attachment is what he's referring
14 to, correct?

15 A That's correct.

16 Q And it discussed the ideas and
17 strategies that were developed at the last Pain
18 Care Forum REMS meeting, correct?

19 A At the last REMS meeting.

20 Q Yes.

21 A So, yes, I guess, because of the
22 previous page, the Pain Care Forum task force
23 meeting.

24 Q And --

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1 A Task force meeting -- yes, REMS task
 2 force meeting.
 3 And he says: "We concluded it would be
 4 wise to begin the process with the following
 5 submission of our meeting requests. We would like
 6 to hold the first meeting, planning." So this is
 7 obviously early in the process. And --
 8 Q And this letter --
 9 A -- this letter changed.
 10 Q And if you look at page 43, which would
 11 be the last page of the letter, it's all the
 12 signatories.
 13 A Yes.
 14 Q And Purdue Pharma is on this letter,
 15 correct?
 16 A Correct.
 17 Q So is Endo, correct?
 18 A Yes.
 19 Q I don't see that the HDMA joined this
 20 letter, correct?
 21 A I do not see their signature.
 22 Q Even though they were involved in the
 23 process of drafting the letter and had commented
 24 on it, correct?

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1 MR. SNAPP: Object to the form.
 2 THE WITNESS: They are not on the
 3 letter. I -- and they did comment earlier.
 4 BY MR. CRUEGER:
 5 Q And --
 6 MR. SNAPP: I'm sorry. Are you saying
 7 this is the same letter as the previous one?
 8 MR. CRUEGER: I just said they were
 9 involved in the process of drafting the REMS task
 10 force letters.
 11 MR. SNAPP: Okay. I'm sorry, I didn't
 12 mean to interrupt.
 13 THE WITNESS: I mean it's not the same
 14 letter. Correct?
 15 BY MR. CRUEGER:
 16 Q I didn't say it was same the letter.
 17 A Okay.
 18 Q I said the HDMA was involved in
 19 drafting --
 20 A Right.
 21 Q -- and commented --
 22 A And -- and I agreed with you.
 23 Q Remember, we can't talk over each other.
 24 A Yes. Sorry.

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1 Q So -- and I just want you to read
 2 through this letter and confirm that there is no
 3 longer a request that the FDA adopt a mandatory
 4 certification requirement.
 5 A (Peruses document.) I -- I have read
 6 the letter.
 7 Q And the language that we were looking at
 8 in earlier drafts about a mandatory certification
 9 requirement, it's no longer in this letter, is it?
 10 MR. SNAPP: Object to the form.
 11 THE WITNESS: Pardon me?
 12 MR. SNAPP: Object to the form.
 13 THE WITNESS: That language is not in
 14 there, and obviously the letter is a condensed
 15 version. There's a number of things that were in
 16 the original letter that are no longer there.
 17 BY MR. CRUEGER:
 18 Q Including the language about the
 19 mandatory --
 20 A Including the language about the
 21 mandatory. I think with this letter, the way I
 22 read it is, and it's kind of where I started, this
 23 was a letter suggesting to the FDA that they
 24 should move forward with the REMS. It highlighted

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1 the risks and -- of opioids, the diversion, the
 2 misuse of the products, the safety. It references
 3 the need for patients in -- you know, appropriate
 4 patients not to interfere with their access to
 5 medicines that might, you know, benefit them.
 6 And it's the beginning of a process in
 7 which they -- they're asking for a meeting, and
 8 they are asking to be included in the process to
 9 have input. So that's exactly what -- what the
 10 letter seems to do. I guess it's in the record
 11 and anyone can read it.
 12 Q Well, all the drafts aren't in the
 13 record, are they?
 14 A I don't know. You handed them to me.
 15 Q But they're all marked "Confidential,"
 16 correct?
 17 MR. SNAPP: Object to the form.
 18 THE WITNESS: I don't know. I didn't --
 19 I'd have to go back and look at them.
 20 BY MR. CRUEGER:
 21 Q All those drafts, I assume you didn't
 22 make all those -- you're not aware of you making
 23 -- publishing those e-mails on the internet
 24 anywhere, are you?

<p style="text-align: right;">Page 222</p> <p>1 A I don't recall --</p> <p>2 MR. SNAPP: Object to the form.</p> <p>3 THE WITNESS: -- these e-mails. I'm</p> <p>4 reading them now for the first time in years.</p> <p>5 BY MR. CRUEGER:</p> <p>6 Q Well, I'm just saying the drafts, the</p> <p>7 e-mails, the REMS -- the PCF task force e-mails,</p> <p>8 those aren't part of a public docket anywhere that</p> <p>9 you're aware of, are they?</p> <p>10 A No.</p> <p>11 (Rosen Exhibit No. 27 was marked</p> <p>12 for identification.)</p> <p>13 BY MR. CRUEGER:</p> <p>14 Q I'm handing you Exhibit 27.</p> <p>15 MR. SNAPP: We've been going about 65</p> <p>16 minutes again. Is this a good time for a break?</p> <p>17 MR. CRUEGER: We'll go like five more</p> <p>18 minutes and then we'll --</p> <p>19 MR. SNAPP: Do you need a break,</p> <p>20 Mr. Rosen?</p> <p>21 THE WITNESS: I'm fine.</p> <p>22 MR. SNAPP: Is five more minutes okay?</p> <p>23 THE WITNESS: Yeah, okay.</p> <p>24 MR. SNAPP: Okay.</p>	<p style="text-align: right;">Page 224</p> <p>1 the industry to go out and organize itself, and</p> <p>2 try to come up with recommendations and</p> <p>3 suggestions.</p> <p>4 And I do recall that they hired an</p> <p>5 antitrust lawyer to attend every meeting because</p> <p>6 it would be sensitive for competitors to be</p> <p>7 meeting, and they didn't want to be accused of</p> <p>8 doing anything that might be anticompetitive.</p> <p>9 Q And if you look at page 6 of this</p> <p>10 letter, this PowerPoint presentation, it's on the</p> <p>11 back page. It's the Industry Working Group</p> <p>12 participants?</p> <p>13 A Yes.</p> <p>14 Q So -- and these are just various</p> <p>15 manufacturers of extended-release, long-acting</p> <p>16 opioids, correct?</p> <p>17 A That's correct.</p> <p>18 Q And --</p> <p>19 A And I haven't counted them, but it looks</p> <p>20 like what I said, that there were somewhere around</p> <p>21 20 companies or more.</p> <p>22 Q And some of these were also members of</p> <p>23 the Pain Care Forum, correct?</p> <p>24 A A few of them were, yes.</p>
<p style="text-align: right;">Page 223</p> <p>1 MR. CRUEGER: We'll just get through</p> <p>2 this last one.</p> <p>3 BY MR. CRUEGER:</p> <p>4 Q What exhibit number did I tell you it</p> <p>5 was?</p> <p>6 A I'm sorry. 27.</p> <p>7 Q And I'll just tell you I downloaded this</p> <p>8 from the FDA's public docket.</p> <p>9 You're familiar that there was an</p> <p>10 Industry Working Group on REMS, correct?</p> <p>11 A There was.</p> <p>12 Q And this was a public meeting, it says,</p> <p>13 on December 4th, 2009, correct?</p> <p>14 A Correct.</p> <p>15 Q And Purdue was a member of the Industry</p> <p>16 Working Group, correct?</p> <p>17 A Yes, we were. As I recall, the Industry</p> <p>18 Working Group was established when the FDA at some</p> <p>19 point -- this is about a year after the first</p> <p>20 document you handed me on the REMS. I do recall</p> <p>21 at some point the FDA had a meeting with more than</p> <p>22 20 companies that made extended-release opioids,</p> <p>23 and concluded that there was value in having one</p> <p>24 REMS rather than dozens of REMS. And they asked</p>	<p style="text-align: right;">Page 225</p> <p>1 Q And if you go to page 93. It's -- the</p> <p>2 title is "REMS Components," correct? Make sure</p> <p>3 we're on the same page.</p> <p>4 A Pardon me?</p> <p>5 Q The title is "REMS Components," just to</p> <p>6 make sure we're on the same page. I believe we</p> <p>7 are.</p> <p>8 A Page 93, "REMS Components," yes, sir.</p> <p>9 Q And it's -- it says in the indented</p> <p>10 bullet point: "At this time Industry Working</p> <p>11 Group does not support inclusion of any elements</p> <p>12 to assure safe use, including mandatory prescriber</p> <p>13 training or certification." Is that correct?</p> <p>14 A That's what it says, yes.</p> <p>15 Q And that is really the opposite of what</p> <p>16 was in your earlier drafts of the letter to the</p> <p>17 FDA that were circulated among the Pain Care Forum</p> <p>18 task force, correct?</p> <p>19 MR. SNAPP: Object to the form.</p> <p>20 THE WITNESS: This says that the IWG</p> <p>21 does not support the inclusion. That's a</p> <p>22 collective, I guess, position of the 20 or so</p> <p>23 companies.</p> <p>24 BY MR. CRUEGER:</p>

<p style="text-align: right;">Page 226</p> <p>1 Q Well, and as we saw in the e-mails with 2 the Pain Care Forum REMS task force, it's also the 3 conclusion of other entities such as the HDMA, 4 correct?</p> <p>5 MR. SNAPP: Object to the form.</p> <p>6 THE WITNESS: They said they didn't 7 support certification, I think at this time.</p> <p>8 BY MR. CRUEGER:</p> <p>9 Q And that's because a certification 10 requirement could potentially decrease sales, 11 correct?</p> <p>12 MR. SNAPP: Object to the form.</p> <p>13 THE WITNESS: I don't know why any 14 individual would have taken a position for or 15 against.</p> <p>16 MR. CRUEGER: Well, now would be a good 17 time for a break then.</p> <p>18 THE VIDEOGRAPHER: The time is 3:11 p m. 19 We're going off the record.</p> <p>20 (Recess.)</p> <p>21 THE VIDEOGRAPHER: The time is 3:25 22 p m., and we're back on the record.</p> <p>23 MR. SNAPP: I just want to confirm for 24 the record that all those present here in the room</p>	<p style="text-align: right;">Page 228</p> <p>1 Q No, I'm actually just going to ask you 2 about a very specific point to see if -- if the 3 issue ever came up that you're aware of in the 4 Pain Care Forum meeting.</p> <p>5 So -- so this document is, if you see in 6 the -- just from the title, it's prepared by what 7 is apparently an outside associate, Pinney 8 Associates, for the Industry Working Group on 9 REMS, correct?</p> <p>10 MR. SNAPP: Object.</p> <p>11 Could I ask you to read the Bates number 12 for those on the phone given that this appears to 13 be a Janssen document?</p> <p>14 MR. CRUEGER: Yes. It is one of these 15 interesting Bates numbers, JAN-MS-01154004.</p> <p>16 MR. SNAPP: Thank you.</p> <p>17 THE WITNESS: Just to be accurate, it 18 seems that this is a -- the memo itself is 19 potential questions the advisory committee may ask 20 the IWG, and then it's titled "Pinney 21 Associates/Roxanne Laboratories."</p> <p>22 Is that what you're --</p> <p>23 BY MR. CRUEGER:</p> <p>24 Q Yeah, let me push you a little bit</p>
<p style="text-align: right;">Page 227</p> <p>1 and on the phone agree to be bound by the MDL 2 confidentiality protective order. If that's not 3 the case, please speak up now. And I'm talking 4 about as to the entire deposition starting this 5 morning at 9:06 a.m. through the end. If that's 6 not the case, please speak up.</p> <p>7 Hearing nothing, please go ahead, Chuck.</p> <p>8 Thanks.</p> <p>9 BY MR. CRUEGER:</p> <p>10 Q If we can --</p> <p>11 A Am I through with this document?</p> <p>12 Q Oh, yes.</p> <p>13 (Rosen Exhibit No. 28 was marked 14 for identification.)</p> <p>15 BY MR. CRUEGER:</p> <p>16 Q I'm just going to give you what's 17 labeled as Exhibit 28. I don't believe you're on 18 any of the -- the e-mails, although you can -- you 19 can verify that if you'd like. I'm not even 20 really going to ask you about the e-mail, though. 21 So...</p> <p>22 A (Peruses document.) I don't think I've 23 ever seen this e-mail, but I -- are you asking me 24 to read this document?</p>	<p style="text-align: right;">Page 229</p> <p>1 deeper into the document.</p> <p>2 A Okay.</p> <p>3 Q So if you go to the page that ends with 4 10 is the Bates number.</p> <p>5 A The last page? Oh, I'm sorry, it 6 ends --</p> <p>7 Q No, it ends with 10. And it's -- the 8 title is "Summary and comparison of proposed REMS 9 for long-acting and extended-release opioids: 10 Proposals from the Food and Drug Administration 11 and the Industry Working Group."</p> <p>12 A Okay. The page that ends in 10 seems to 13 be -- oh, "Summary and comparison of the REMS for 14 long-acting" --</p> <p>15 Q Yeah.</p> <p>16 A -- is that what you're referring to?</p> <p>17 Q That's what I'm referring to.</p> <p>18 A And it looks like an index or something, 19 a content --</p> <p>20 Q Looks like a table of contents.</p> <p>21 And then if you go to page 4 of 27.</p> <p>22 A I'm on page 4.</p> <p>23 Q And then I'll just direct you to -- 24 because I'll just -- I'll just read this part for</p>

<p style="text-align: right;">Page 230</p> <p>1 the record. It starts with, "The FDA proposed 2 goal." 3 A Yes. 4 Q So in here this document says: "The FDA 5 proposed goal of the REMS is to reduce serious 6 adverse outcomes resulting from inappropriate 7 prescribing, misuse and abuse of long-acting and 8 extended-release opioids while maintaining patient 9 access to these medications. Adverse outcomes of 10 concern include addiction, unintentional overdose 11 and death." 12 And then the next sentence is a 13 parenthetical that says: "This goal differs from 14 the goal proposed by the Industry Working Group 15 (IWG)." 16 Did -- what I'm asking you, though, is 17 did this issue come up in the Pain Care Forum REMS 18 task force about how there was a difference 19 between the FDA proposed goal and the Industry 20 Working Group goal for REMS? 21 A Well, I'd like to read this further. 22 I mean, it says -- I'm not sure which -- 23 is the goal the same goal we've been talking about 24 here? Let's see.</p>	<p style="text-align: right;">Page 232</p> <p>1 which I believe was your question on this issue. 2 Q That was my question actually, if -- 3 A Okay. 4 Q -- if that -- that issue, the difference 5 that was being referred to between the Industry 6 Working Group goal and the FDA goal was ever 7 discussed at the Pain Care Forum. 8 A I don't recall that, no. 9 Q And just to be clear, if you look at the 10 cover page of Exhibit 28, the e-mail, there are at 11 least -- there are members of Purdue Pharma who 12 are included on this e-mail, correct? Dr. Craig 13 Landau, Laura Silva, and Paul Copeland. 14 A I do see Dr. Landau. I do see Paul 15 Copeland. And I don't see Laura, so -- 16 Q Right next -- 17 A But she must be there. 18 Q Well, right next to Paul. 19 A I see. I'm sorry. It's just hard to 20 look at that. 21 Q And so presumably those three 22 individuals would have gotten this Industry 23 Working Group document, correct? 24 A They were on the e-mail.</p>
<p style="text-align: right;">Page 231</p> <p>1 "The FDA believes the REMS goal can be 2 accomplished through prescriber education. The 3 Agency states that of the proposed REMS elements 4 originally proposed by FDA, only prescriber 5 education is being required because the only 6 element of REMS that was proposed on March 3rd and 7 had some evidence of effectiveness." 8 So are we specifically referring to the 9 prescriber education? 10 Q No, we're not actually referring to the 11 prescriber. It's just the actual FDA stated 12 proposed goal, which is to reduce serious adverse 13 outcomes, that -- that statement. 14 And then this document, prepared for the 15 Industry Working Group, states that this goal, the 16 FDA's goal, differs from the goal proposed by the 17 Industry Working Group. 18 A I honestly don't know what they're 19 referring to. "To reduce serious outcomes 20 resulting from inappropriate prescribing." I 21 just -- it's -- I wasn't -- again, I didn't see 22 this document until just now, and I obviously 23 wasn't party to this discussion. I don't recall 24 any specific discussion at the Pain Care Forum,</p>	<p style="text-align: right;">Page 233</p> <p>1 Q You can put that to the side. 2 (Rosen Exhibit No. 29 was marked 3 for identification.) 4 BY MR. CRUEGER: 5 Q Okay. We're on Exhibit 29. 6 If you want to just quickly review the 7 document. 8 A (Peruses document.) 9 Q Okay? 10 A Yes, I've read it. 11 Q So this document, Exhibit 29, it's -- at 12 the top it says "Pain Care Forum Media Committee," 13 and then it lists the participants, correct? 14 A That's correct. 15 Q Were there other participants in the 16 Pain Care Forum media committee? 17 A I don't recall. 18 Q And is it a fair characterization to say 19 that the goal of this Pain Care Forum media 20 committee was to coordinate on media strategy on 21 REMS? 22 MR. SNAPP: Object to the form. 23 THE WITNESS: Let's see. It says: 24 "Consideration was given (i.e. the focus on FDA</p>

<p style="text-align: right;">Page 234</p> <p>1 REMS issues) or to wrap efforts into a broader 2 pain awareness campaign." 3 BY MR. CRUEGER: 4 Q And so this is -- this is you, Purdue, 5 and other entities such as the American Academy of 6 Pain Management, Center for Advanced Palliative 7 Care, the American Pain Foundation, Cephalon 8 talking about how to coordinate a media strategy 9 on REMS, correct? 10 A That is -- appears to be what it is. I 11 really don't recall this e-mail from 2009 or -- 12 it's not an e-mail. I'm sorry. Or I don't think 13 it's an e-mail. It's a -- it looks more like a -- 14 I don't know what it is. 15 Q And it lays out a variety of issues, 16 such as, you know, the objectives and scope of -- 17 A Correct. 18 Q -- a media campaign, the campaign goals 19 and messages, correct? 20 A Correct. 21 Q "Such as the need for some level of 22 controversy, rather than an educational approach, 23 would likely be required to garner significant 24 media attention," correct?</p>	<p style="text-align: right;">Page 236</p> <p>1 A I was apparently a participant. I am 2 listed here as one. 3 Q And you were -- and this was a Pain Care 4 Forum activity, correct? 5 A It was a communications committee 6 meeting, it says. 7 Q Yeah. And, again, the point is to 8 influence the FDA's results on REMS through a 9 media campaign that appears to come from the 10 not-for-profit community, correct? 11 MR. SNAPP: Object to the form. 12 THE WITNESS: Again, that's -- it does 13 state that, and it states from other 14 organizations, including those outside of the Pain 15 Care Forum who may have an interest. 16 BY MR. CRUEGER: 17 Q And that's so that the -- the message 18 can appear to come from patients, correct? 19 MR. SNAPP: Object to the form. 20 THE WITNESS: Again, I don't know 21 whether it would be patients or what specific 22 organizations they would be referring to. 23 BY MR. CRUEGER: 24 Q But I'm saying that's how -- by not</p>
<p style="text-align: right;">Page 235</p> <p>1 A Where are you reading? 2 Q The second point made under "Campaign 3 goals and messages." 4 A Yes. I don't know what's meant by that. 5 I'm not a media person myself, but... 6 Q And the "Role of Industry" on page 2 7 of 3. The first point is: "Consensus was 8 developing that this program should be driven by 9 the not-for-profit community, potentially with 10 multiple industry sponsors." 11 Correct? 12 A That's what it says. 13 Q And so isn't it fair to -- to conclude 14 that it should be driven by the not-for-profit 15 community because you want the message to appear 16 like it's coming from patients? 17 MR. SNAPP: Object to the form. 18 THE WITNESS: I honestly don't remember. 19 I didn't write the document. I don't remember 20 what people were doing or thinking. I really 21 don't even remember the meeting. 22 BY MR. CRUEGER: 23 Q But you were a participant in the 24 meeting.</p>	<p style="text-align: right;">Page 237</p> <p>1 having Purdue's name on it or Cephalon's name on 2 it, it would appear to be coming from someone 3 other than the drug industry, correct? 4 MR. SNAPP: Object to the form. 5 THE WITNESS: Well, it says not -- 6 not-for-profit organizations. So that's what it 7 says. 8 BY MR. CRUEGER: 9 Q And Purdue is definitely not a 10 not-for-profit organization, correct? 11 A That's correct. 12 Q Oh, by the way, just as a quick aside, 13 you had mentioned when you were talking about the 14 Industry Working Group that they had retained a 15 antitrust counsel to attend their meetings. 16 A That's correct. 17 Q When you were doing the PC -- Pain Care 18 Forum REMS task force, did you retain an antitrust 19 counsel to attend those meetings? 20 A No. 21 Q How about any of the other regular Pain 22 Care Forum meetings? 23 A No. Those meetings were broadly 24 attended by industry as well as non-industry.</p>

<p style="text-align: right;">Page 238</p> <p>1 (Rosen Exhibit No. 30 was marked 2 for identification.) 3 BY MR. CRUEGER: 4 Q I will hand you what is labeled 5 Exhibit 30. 6 If you can just read through, I guess, 7 the set of e-mails. 8 A (Peruses document.) Okay. 9 Q So Exhibit 30 starts, as almost all 10 e-mails do, at the end, at page 178, which is the 11 first e-mail in this chain. And that's from you 12 to what I'm -- we can just assume are members of 13 the Pain Care Forum, correct? 14 A I assume this is to -- to people who 15 participated in the Pain Care Forum. 16 Q Right. It's -- 17 A I can read every name if you'd like, 18 but -- 19 Q No. The point is you're just announcing 20 that the -- 21 A There's a meeting. 22 Q That there's a meeting and -- 23 A Yes. 24 Q -- Dr. Throckmorton, who is the deputy</p>	<p style="text-align: right;">Page 240</p> <p>1 Q And in this e-mail, what he's saying is 2 he's obviously aware of the Pain Care Forum media 3 committee and the -- the media campaign, correct? 4 A Yes. Was he a participant? He was, I 5 see, looking back at your other document. 6 Q And he is concerned about whether 7 Dr. Throckmorton at the FDA may feel it was rather 8 duplicitous of the Pain Care Forum to meet with 9 him and not to mention that the media campaign and 10 the Congressional letter was in the works, 11 correct? 12 MR. SNAPP: Object to the form. 13 THE WITNESS: That is what his e-mail 14 says. 15 BY MR. CRUEGER: 16 Q And Mr. Will Rowe responded. And his 17 statement, if you read it, is that they're going 18 to keep silent on the Congressional and media 19 strategies, correct? 20 MR. SNAPP: Object to the form. 21 THE WITNESS: He says -- I don't see 22 where he says we're going to keep silent, but he 23 says that he doesn't -- essentially he says: "I 24 appreciate your bringing up the issue." Oh, I'm</p>
<p style="text-align: right;">Page 239</p> <p>1 director of the FDA, will be a speaker at the 2 meeting, correct? 3 A That's correct, that he would be our 4 guest speaker. 5 Q And a focus of that meeting is actually 6 going to be on the opioid -- the classwide opioid 7 REMS initiative, correct? 8 A It does say that Will Rowe will moderate 9 the meeting, and the discussion will focus on the 10 FDA's classwide opioid REMS initiative. 11 Q And then there's an e-mail from Stewart 12 Leavitt to you and Will Rowe. That's Tuesday, 13 July 7th, 2009, correct? 14 A That's correct. 15 Q And Mr. Leavitt is, according to this, 16 is the executive director of Pain Treatment 17 Topics. Correct? That's -- 18 A Yes, that's what it says. 19 Q Do you know whether that's true or not. 20 Do you know Mr. Leavitt? 21 A I knew Mr. Leavitt. I'm not sure if I 22 ever met -- met him, but I know I had spoken to 23 him on the phone. And he's passed away. I 24 don't -- some years ago. I think he had cancer.</p>	<p style="text-align: right;">Page 241</p> <p>1 sorry. He says: "Allow me to explain the need to 2 keep silent." 3 I mean I don't recall this. Again, it's 4 2009, but I see that I am copied on it. 5 MR. CRUEGER: Let me take a quick second 6 to shift gears here. 7 (Rosen Exhibit No. 31 was marked 8 for identification.) 9 BY MR. CRUEGER: 10 Q So I'll hand you what's been labeled 11 Exhibit 31. Here you go. 12 So before we talk about this, have you 13 heard of the Ensuring Patient Access and Effective 14 Drug Enforcement Act? 15 A I don't recognize that title. 16 Q Do you recognize it as the Marino bill? 17 A I do recall the Marino bill, yes. 18 Q And that was addressed to the DEA's -- 19 the Drug Enforcement Agency's authorities, 20 correct? 21 A It -- I can't really tell you the exact 22 provisions of the bill, but it did relate to -- as 23 I recall it, it did relate to DEA authorities, 24 yes.</p>

<p style="text-align: right;">Page 242</p> <p>1 Q And so if you just look at the cover of 2 this e-mail. 3 A Can I -- yeah, I was going to read it. 4 (Peruses document.) 5 I'm going to take a moment and read the 6 article because I really don't remember the 7 content of -- of it, and this might help me. 8 Q Of the act, you mean? 9 A Yes. 10 Q Okay. 11 A (Peruses document.) Okay. 12 Q So this is an e-mail, February 20th, 13 2014, from Lynne Batshon, and originally he sends 14 it to Craig Engesser. I'm not a hundred percent 15 sure if that's the correct pronunciation. 16 Correct? 17 A I think it is. 18 Q And it attaches this article that you 19 just read. 20 A It does. 21 Q And Craig then seems to have forwarded 22 it to you, correct? 23 A That's correct. 24 Q And then he's asking about, you know,</p>	<p style="text-align: right;">Page 244</p> <p>1 correct? 2 A That's correct. 3 (Rosen Exhibit No. 32 was marked 4 for identification.) 5 BY MR. CRUEGER: 6 Q If you look at Exhibit 32. You see 7 there the e-mail on Exhibit 31 was February 20th 8 of 2014, and this looks like April 15th, correct? 9 A Correct. 10 Q And it's an agenda for a Pain Care Forum 11 communications working group conference call, 12 correct? 13 A Correct. 14 Q And it does -- this Ensuring Patient 15 Access and Effective Drug Enforcement Act of 2013 16 is on the -- on the agenda for that call, correct? 17 A It is. 18 (Rosen Exhibit No. 33 was marked 19 for identification.) 20 BY MR. CRUEGER: 21 Q And I'll give you what's Exhibit 33. 22 I'm not going to ask you about the 23 attachments, so you don't have to -- 24 A (Peruses document.) Okay.</p>
<p style="text-align: right;">Page 243</p> <p>1 the -- well, he's directing you to see Lynne's 2 question about a working group, correct? 3 A That's correct. 4 Q And then you responded to Craig, and you 5 cc'd Pamela Bennett, correct? 6 A That's correct. Craig -- 7 Q And -- 8 A Craig worked for Pamela. 9 Q And also Alan Must, correct? 10 A That's correct. 11 Q And then -- so you were apparently at 12 the time aware of the bill being introduced, 13 correct? 14 A I said it's "Early days. Just 15 introduced, and may never move. Much of this is 16 being accomplished at NABP." I think that's the 17 Boards of Pharmacy. 18 Q And then you say -- 19 A And I suspect that it will come up at 20 some point at the Pain Care Forum as pharmacies 21 and wholesalers are behind the proposal. 22 Q And the pharmacy and wholesalers, they 23 participate in the Pain Care Forum generally 24 through the HDMA and some other organizations,</p>	<p style="text-align: right;">Page 245</p> <p>1 Q And the -- 2 A Do you want me to read the bill itself 3 or -- 4 Q No, we're not going to look at the text 5 of the bill, so -- 6 A Okay. 7 Q The more -- the thing I want to focus on 8 is on the first page of Exhibit 33. It's an 9 e-mail from -- is it pronounced Jewelyn? 10 A I believe that's correct. 11 Q So Jewelyn Cosgrove, and she is at the 12 HDMA, correct? 13 A That's correct. 14 Q And according to this, on the second 15 page of the e-mail, it says she's the associate 16 director for Federal Government Affairs at the 17 HDMA. 18 A That's correct. That's what her title 19 says. 20 Q And she's sending you an e-mail just 21 attaching some information that she would like you 22 to share with the rest of the Pain Care Forum, 23 correct? 24 A That's correct. "Can you share this</p>

<p style="text-align: right;">Page 246</p> <p>1 with the rest of the Pain Care Forum?"</p> <p>2 Q And -- and she's looking for people to</p> <p>3 sign onto a letter that they have drafted that</p> <p>4 would support the legislation, correct?</p> <p>5 A She refers to that, but I don't see a</p> <p>6 letter here. Is there one attached? There is.</p> <p>7 Q The last three pages are two</p> <p>8 different -- two different letters, so one to the</p> <p>9 United States Senators and another one to -- for</p> <p>10 Representatives. So...</p> <p>11 A Okay.</p> <p>12 Q And she's looking for members of the</p> <p>13 Pain Care Forum who wished to sign on and support</p> <p>14 the -- the bill, correct?</p> <p>15 A That's correct.</p> <p>16 Q And so the -- this act was obviously</p> <p>17 being discussed at Pain Care Forum meetings,</p> <p>18 correct?</p> <p>19 A This is 2015, and she says: "I know</p> <p>20 when we discussed this last week, I did not have a</p> <p>21 specific date for reintroduction. Now we're</p> <p>22 looking at next week. Thank you."</p> <p>23 She says, Can you share this? I didn't</p> <p>24 know -- when we discussed it, I didn't know, and</p>	<p style="text-align: right;">Page 248</p> <p>1 Q And so this is an e-mail of</p> <p>2 January 20th, 2015, correct?</p> <p>3 A Yes.</p> <p>4 Q And it's from Ms. Cosgrove, who is at</p> <p>5 the HDMA, correct?</p> <p>6 A That's correct.</p> <p>7 Q And it seems to be -- well, it is</p> <p>8 addressed to you and other members of the Pain</p> <p>9 Care Forum, correct?</p> <p>10 A That's correct.</p> <p>11 Q And she is again reminding people that</p> <p>12 she would like people to support the Ensuring</p> <p>13 Patient Access and Effective Drug Enforcement Act</p> <p>14 of 2015, correct?</p> <p>15 A That's correct. It appears that from</p> <p>16 your last No. 33 exhibit, I simply forwarded her</p> <p>17 e-mail, and then she replied to that and asked</p> <p>18 people if they wanted to sign onto the letter.</p> <p>19 Q And then you also forwarded the e-mail</p> <p>20 to Dr. Haddox, correct?</p> <p>21 A I don't know. It says from Dr. Haddox</p> <p>22 to Dr. Haddox. It doesn't seem to say from me.</p> <p>23 Q So somehow, though, Dr. Haddox has a</p> <p>24 copy of --</p>
<p style="text-align: right;">Page 247</p> <p>1 can you share this? So we must have.</p> <p>2 Q And then you forwarded the e-mail to</p> <p>3 Brian Munroe, who's at Endo, correct?</p> <p>4 A That is correct.</p> <p>5 Q And you asked him to call you?</p> <p>6 A I did.</p> <p>7 Q And why did you want him to call you?</p> <p>8 A I'm sorry, I have no idea.</p> <p>9 Q And did he call you?</p> <p>10 A I don't know.</p> <p>11 Q So do you have any recollection of</p> <p>12 talking with someone from Endo about the bill?</p> <p>13 A I have no recollection of whether we</p> <p>14 talked or not, or why I asked him to call me.</p> <p>15 (Rosen Exhibit No. 34 was marked</p> <p>16 for identification.)</p> <p>17 BY MR. CRUEGER:</p> <p>18 Q I'll give you Exhibit 34.</p> <p>19 A (Peruses document.)</p> <p>20 Q And you can just look at the first two</p> <p>21 pages. Otherwise, it's a repeat of your -- of an</p> <p>22 earlier e-mail, actually the e-mail we just looked</p> <p>23 at.</p> <p>24 A (Peruses document.)</p>	<p style="text-align: right;">Page 249</p> <p>1 A Somehow Dr. Haddox has a copy of it.</p> <p>2 Q So did members of the Pain Care Forum</p> <p>3 support this -- this legislation?</p> <p>4 A Some members of the Pain Care Forum. I</p> <p>5 saw on her -- I noticed that on this letter, it's</p> <p>6 a blank asking people to sign it. But on the</p> <p>7 exhibit you had just given me a few minutes ago, I</p> <p>8 noticed that there were some organizations that</p> <p>9 had signed onto a previous letter, the one to</p> <p>10 Senator Hatch and Whitehouse, and the one to -- to</p> <p>11 four Congress people.</p> <p>12 Q Did --</p> <p>13 A And I'm sorry, that one doesn't have</p> <p>14 signatures on it either. I see that some people</p> <p>15 signed a letter to the two senators.</p> <p>16 Q Did Purdue sign onto the letter?</p> <p>17 A It doesn't appear so.</p> <p>18 Q Do you -- well, I'm talking about the</p> <p>19 final letter.</p> <p>20 A Not that I remember. I wouldn't -- I</p> <p>21 wouldn't remember.</p> <p>22 Q But Purdue did support the legislation,</p> <p>23 correct?</p> <p>24 A I don't recall that we did, as a matter</p>

<p style="text-align: right;">Page 250</p> <p>1 of fact. I don't -- my best memory is, is that we 2 took no position on it as a whole. 3 Q Let's see. 4 (Rosen Exhibit No. 35 was marked 5 for identification.) 6 BY MR. CRUEGER: 7 Q Now, Exhibit 35. 8 A All right. (Peruses document.) Okay. 9 Q And so this attaches the -- the final 10 signed letter, correct? 11 A That appears to be what it is. She 12 forwards it to me and says: "Attached is a final 13 letter of support from members. Please circulate 14 it when you have a chance." 15 Q And she's saying -- 16 A And I seemed -- I forwarded it as she 17 requested. 18 Q And this e-mail that is from you, 19 Thursday, March 5, 2015? 20 A Correct. 21 Q And that's to various people who are 22 inside Purdue, correct? 23 A These certainly appear to be Purdue 24 employees.</p>	<p style="text-align: right;">Page 252</p> <p>1 A I'm generally familiar, but I have no 2 specific knowledge. 3 Q And those settlement agreements were 4 related to McKesson and Cardinal Health and 5 Mallinckrodt's failure to report suspicious 6 orders, correct? 7 MR. SNAPP: Object to the form. 8 THE WITNESS: Again, I don't know the 9 details of what those agreements were. 10 BY MR. CRUEGER: 11 Q Well, do you recall that McKesson paid 12 approximately \$150 million in fines in 2017? 13 A I don't recall -- 14 MR. SNAPP: Object to the form. 15 THE WITNESS: -- the specifics. 16 BY MR. CRUEGER: 17 Q Do you recall whether McKesson paid 18 approximately \$13 million in fines in 2008? 19 MR. SNAPP: Object to the form. 20 THE WITNESS: I don't recall the 21 specifics. 22 BY MR. CRUEGER: 23 Q And how about Cardinal Health? 24 A I don't recall the specifics of any of</p>
<p style="text-align: right;">Page 251</p> <p>1 Q And your -- your e-mail to them says: 2 "Please see the signed letter. Strong showing. 3 And this is the legislation being supported by 4 HDMA and the chain drugs aimed at easing DEA 5 tensions." Correct? 6 A That's correct. 7 Q Let's talk about that easing of DEA 8 tensions. 9 A Mm-hmm. 10 Q So 2015 is around the time that certain 11 distributors, like McKesson and Cardinal Health 12 and Mallinckrodt, are being investigated by the 13 DEA, correct? 14 MR. SNAPP: Object to the form. 15 THE WITNESS: I don't recall when that 16 occurred. 17 BY MR. CRUEGER: 18 Q But you do recall that McKesson, 19 Cardinal Health, and Mallinckrodt were 20 investigated by the DEA and -- 21 A I'm generally familiar. 22 Q And they entered into settlement 23 agreements with the United States Department of 24 Justice?</p>	<p style="text-align: right;">Page 253</p> <p>1 them. 2 Q Do you recall this was related to 3 failure to report suspicious orders going to -- 4 potentially going to pill mills in Florida for 5 Cardinal Health? 6 MR. SNAPP: Objection. 7 THE WITNESS: Again, I'm not familiar 8 with the agreements or what they entailed. 9 BY MR. CRUEGER: 10 Q And it's a -- it's actually a federal 11 crime to not report suspicious orders, correct? 12 MR. SNAPP: Object to the form. 13 THE WITNESS: I -- I don't know the -- 14 I'm not capable of answering that question. I'm 15 not an expert on the DEA provisions. 16 BY MR. CRUEGER: 17 Q And the suspicious orders, these were 18 suspicious orders of opioids, correct? 19 MR. SNAPP: Object to the form. 20 THE WITNESS: Again, I -- I'm not 21 familiar with the details of these agreements. 22 BY MR. CRUEGER: 23 Q But you understand that these companies, 24 McKesson, Cardinal Health and Mallinckrodt,</p>

<p style="text-align: right;">Page 254</p> <p>1 they -- they ship opioids, correct?</p> <p>2 A I -- I certainly presume they do, yes.</p> <p>3 Q Well, they ship Purdue's opioids,</p> <p>4 correct?</p> <p>5 A Yes. I'm assuming they do. I don't</p> <p>6 know the specific wholesalers who actually ship</p> <p>7 our products.</p> <p>8 Excuse me, I just need to take a sip.</p> <p>9 Q Oh, that's fine.</p> <p>10 A But I am generally familiar that</p> <p>11 distributors distribute pharmaceuticals, including</p> <p>12 opioids.</p> <p>13 Q And you're aware that distributors have</p> <p>14 a -- a duty under the law to report suspicious</p> <p>15 orders, correct?</p> <p>16 MR. SNAPP: Object to the form.</p> <p>17 THE WITNESS: Again, I'm not familiar</p> <p>18 with the law that governs their requirements. I'm</p> <p>19 not familiar with --</p> <p>20 BY MR. CRUEGER:</p> <p>21 Q You're familiar with the general concept</p> <p>22 that they --</p> <p>23 A I am familiar with the general concept.</p> <p>24 Q And as a matter of fact, Purdue has an</p>	<p style="text-align: right;">Page 256</p> <p>1 A Well, I'm sorry. It -- it starts with</p> <p>2 an e-mail from Rita to me.</p> <p>3 Q Oh, sorry about that. I read it the</p> <p>4 wrong way around.</p> <p>5 A Yes.</p> <p>6 Q Yes, you are correct. It starts from an</p> <p>7 e-mail from Rita to you, and this is January 30th,</p> <p>8 2008.</p> <p>9 A That's right.</p> <p>10 Q And she tells you -- and the subject is</p> <p>11 "DEA's probe slowing Cardinal," and she had</p> <p>12 forwarded an article.</p> <p>13 A Right. And that's the title of the</p> <p>14 article, I believe.</p> <p>15 Q Correct. And it says: "Just left you a</p> <p>16 message. Glad to get together if useful to you."</p> <p>17 And -- and then "DEA's probe slowing</p> <p>18 Cardinal." So...</p> <p>19 A Yeah, that confuses me just a little</p> <p>20 bit, but -- but it appears --</p> <p>21 Q Yeah.</p> <p>22 A -- she left me a message. I wrote to</p> <p>23 her. I apologize, I see what you're --</p> <p>24 Q Yeah.</p>
<p style="text-align: right;">Page 255</p> <p>1 obligation under the federal law to report</p> <p>2 suspicious orders, correct?</p> <p>3 MR. SNAPP: Object to the form.</p> <p>4 THE WITNESS: Again, I'm generally</p> <p>5 familiar, but I'm not specifically familiar with</p> <p>6 the law or how it applies.</p> <p>7 (Rosen Exhibit No. 36 was marked</p> <p>8 for identification.)</p> <p>9 BY MR. CRUEGER:</p> <p>10 Q I hand you Exhibit 36.</p> <p>11 A (Peruses document.) Okay. I -- do you</p> <p>12 want me to read this article?</p> <p>13 Q Sure, I think it would be fine for you</p> <p>14 to read the article.</p> <p>15 A (Peruses document.) Okay.</p> <p>16 Q That's Exhibit 36, correct?</p> <p>17 A Are you asking me?</p> <p>18 Q Yeah.</p> <p>19 A Yes, you marked it No. 36.</p> <p>20 Q So if you look at Exhibit 36, it starts</p> <p>21 with the -- an e-mail from you to Rita Norton, who</p> <p>22 is at AmerisourceBergen, correct?</p> <p>23 A That's correct.</p> <p>24 Q And you -- you say: "I just left" --</p>	<p style="text-align: right;">Page 257</p> <p>1 A Maybe you were all the way at the</p> <p>2 bottom. It appears she left me a voicemail. I --</p> <p>3 or I left her a voice message. She must have left</p> <p>4 me one, and I replied and said, "Glad to get</p> <p>5 together if useful to you."</p> <p>6 Q Right. And what's kind of confusing</p> <p>7 about this e-mail is it doesn't -- it seems here</p> <p>8 at the bottom it's doubtful that you wrote an</p> <p>9 e-mail to her starting out "Burt." I'm guessing</p> <p>10 that's Rita Norton's e-mail to you or message to</p> <p>11 you.</p> <p>12 A Correct.</p> <p>13 Q So --</p> <p>14 A That's right. And then she wrote and</p> <p>15 said, yeah, we would appreciate getting together</p> <p>16 on the 13th.</p> <p>17 Q Right.</p> <p>18 A And she mentions somebody that I don't</p> <p>19 know. Their head of regulatory.</p> <p>20 Q And --</p> <p>21 A And security.</p> <p>22 Q -- she says they would like to meet</p> <p>23 informally with you and talk about our issues and</p> <p>24 how to work with the coalition.</p>

<p style="text-align: right;">Page 258</p> <p>1 A Correct.</p> <p>2 Q By "our issues" --</p> <p>3 A I assume they're her issues, yes.</p> <p>4 Q And her issues being the DEA's</p> <p>5 investigation of Cardinal Health, correct?</p> <p>6 A I would assume that's what the article</p> <p>7 she attached. I don't really know what she was</p> <p>8 talking about.</p> <p>9 Q And when she refers to the coalition, is</p> <p>10 she referring to the Pain Care Forum?</p> <p>11 MS. CALLAS: Object to the form.</p> <p>12 THE REPORTER: Can you identify</p> <p>13 yourself, please?</p> <p>14 MR. CRUEGER: Yeah, no idea.</p> <p>15 MS. CALLAS: Gretchen Callas, counsel</p> <p>16 for AmerisourceBergen.</p> <p>17 BY MR. CRUEGER:</p> <p>18 Q So you can answer, though.</p> <p>19 A I don't know. I mean she says "the</p> <p>20 coalition."</p> <p>21 Q Do you know what coalition she's</p> <p>22 referring to?</p> <p>23 A I don't in that. I did forward the</p> <p>24 e-mail to Steve Seid and Howard Udell, and I said,</p>	<p style="text-align: right;">Page 260</p> <p>1 MR. CRUEGER: PPLPC004000147352.</p> <p>2 BY MR. CRUEGER:</p> <p>3 Q Were you involved in lobbying for the</p> <p>4 Ensuring Patient Access to and Effective Drug</p> <p>5 Enforcement Act?</p> <p>6 A I don't recall lobbying for it. I</p> <p>7 noticed on the letter that it was co-signed by --</p> <p>8 the final letter, we were not a signatory.</p> <p>9 Q This is 2015, correct?</p> <p>10 A When the letter was sent?</p> <p>11 Q About when the act was going through</p> <p>12 Congress, correct?</p> <p>13 A I don't recall exactly, but I think --</p> <p>14 and my recollection just from the last 30 minutes</p> <p>15 or however long when you handed me these</p> <p>16 documents, I think it was introduced one Congress</p> <p>17 and then introduced in another Congress. So like</p> <p>18 many issues, it's an issue that was around for</p> <p>19 several years.</p> <p>20 Q So if you look at Exhibit 37.</p> <p>21 A Yes.</p> <p>22 Q The bottom e-mail, that's just part of</p> <p>23 an exhibit that we had actually just discussed.</p> <p>24 A Okay. The one that we did not sign?</p>
<p style="text-align: right;">Page 259</p> <p>1 you know, Here's the note. It's not necessary for</p> <p>2 you to come. Glad to have you. It appears they</p> <p>3 want to talk about how to work with the Pain Care</p> <p>4 Forum, which is a coalition.</p> <p>5 Q And so these are AmerisourceBergen.</p> <p>6 They're a member of the HDMA, correct?</p> <p>7 A I assume they are a member. I -- I'm</p> <p>8 not avoiding. I don't know -- I've never actually</p> <p>9 seen the HDMA membership list.</p> <p>10 Q And did AmerisourceBergen participate in</p> <p>11 the Pain Care Forum at all?</p> <p>12 A I don't believe they did.</p> <p>13 Q And did you meet with Ms. Norton and</p> <p>14 anyone else from AmerisourceBergen?</p> <p>15 A Well, again, this was in 2008, and I</p> <p>16 don't remember meeting with them.</p> <p>17 Q Do you recall what happened as a result</p> <p>18 of these e-mails from Ms. Norton?</p> <p>19 A I don't.</p> <p>20 (Rosen Exhibit No. 37 was marked</p> <p>21 for identification.)</p> <p>22 MS. CALLAS: I'd like to ask for the</p> <p>23 Bates numbers of the documents that were just</p> <p>24 referenced, please.</p>	<p style="text-align: right;">Page 261</p> <p>1 Q Right. Where you forwarded the signed</p> <p>2 letter to various people at Purdue.</p> <p>3 A Right.</p> <p>4 Q And then it looks like David Xu</p> <p>5 forwarded this e-mail to a few other people at</p> <p>6 Purdue, correct?</p> <p>7 A Yes. He forwarded it to some other</p> <p>8 people, FYI --</p> <p>9 Q And then --</p> <p>10 A -- and I was not copied on that.</p> <p>11 Q No. Then Gary Lewandowski did respond</p> <p>12 to you or asked you a question, correct?</p> <p>13 A "But what does this mean to us</p> <p>14 commercially? What does ensuring access" -- I'm</p> <p>15 trying to understand the implications.</p> <p>16 Q Who's Gary -- who is Gary?</p> <p>17 A I know Gary's name, and I'm sure I</p> <p>18 probably met him. I don't know what his title was</p> <p>19 at this time.</p> <p>20 Q What's his role, though, in Purdue?</p> <p>21 A I don't know. I'm sorry.</p> <p>22 Q And then your response was --</p> <p>23 A "This bill was created by HDMA and</p> <p>24 NACDS. It basically says DEA needs to warn them</p>

<p style="text-align: right;">Page 262</p> <p>1 if the DEA thinks there's a problem with 2 distribution of controlled substances and give 3 them a chance to correct, rather than charging 4 them for criminal activity. It attempts to 5 balance the system and not allow DEA to charge in 6 and close them down. If that happens, of course 7 DEA cuts the supply chain and access. I'm glad to 8 discuss."</p> <p>9 Q And so when you write that if the DEA 10 comes in and closes them down, it cuts -- it cuts 11 your supply chain, Purdue's, correct?</p> <p>12 MR. SNAPP: Object to the form.</p> <p>13 THE WITNESS: Well, it would cut the 14 supply chain for that particular distributor.</p> <p>15 BY MR. CRUEGER:</p> <p>16 Q And so it would potentially impact 17 Purdue's sales, correct?</p> <p>18 A It is possible.</p> <p>19 Q And so Purdue actually had a financial 20 interest in this legislation passing, correct?</p> <p>21 MR. SNAPP: Object to the form.</p> <p>22 THE WITNESS: Again, I -- I don't know 23 where I got this summary. And again, I was just 24 trying to describe to him what the bill did, so --</p>	<p style="text-align: right;">Page 264</p> <p>1 A That are -- that is, I'm sorry, what the 2 notes are -- or what it says: "Colleagues, here 3 are my notes."</p> <p>4 Q And so Kathleen Konka would attend the 5 PhRMA steering committee meetings, correct?</p> <p>6 A I assume she attended this meeting, yes, 7 if she took the notes from it.</p> <p>8 Q And if you look at the second page of 9 Exhibit 38.</p> <p>10 A Is it okay just to give this a glance 11 and see what it says?</p> <p>12 Q Oh, sure.</p> <p>13 A (Peruses document.) Okay.</p> <p>14 Q And on page 2 of her notes, the entry 15 that starts "Judiciary will mark up."</p> <p>16 A Yes.</p> <p>17 Q So it says: "Judiciary will mark up 18 CARA" --</p> <p>19 A Yes.</p> <p>20 Q -- "which is S.524" --</p> <p>21 A Right.</p> <p>22 Q -- "and Ensuring Patient Access and 23 Effective Drug Enforcement Act" --</p> <p>24 A Yes.</p>
<p style="text-align: right;">Page 263</p> <p>1 it speaks for itself I think. 2 (Rosen Exhibit No. 38 was marked 3 for identification.)</p> <p>4 BY MR. CRUEGER:</p> <p>5 Q So you've been in Washington, D.C., here 6 for many, many years, right, Mr. Rosen?</p> <p>7 A I have.</p> <p>8 Q So you've heard of PhRMA, correct?</p> <p>9 A Yes.</p> <p>10 Q And at the top, is this an e-mail from 11 Kathleen Konka?</p> <p>12 A Yes.</p> <p>13 Q Who is she?</p> <p>14 A She works for Purdue in a position in 15 what they call public policy.</p> <p>16 Q What's her job?</p> <p>17 A Reviewing regulations, proposed 18 regulations, and looking at a variety of policy 19 issues, and attempting to understand what they -- 20 they say or do. And also she's part of the 21 process at Purdue to help develop policies, public 22 policies.</p> <p>23 Q And the subject is "Notes from PhRMA 24 Federal Steering Committee Meeting," correct?</p>	<p style="text-align: right;">Page 265</p> <p>1 Q -- S.483, on February 11th."</p> <p>2 A Yes.</p> <p>3 Q "We have reviewed, and Burt is in touch 4 with senate staff regularly."</p> <p>5 Is she referring to you, Burt Rosen?</p> <p>6 A Yes.</p> <p>7 Q "And we are in the process of providing 8 final feedback to PhRMA so they may forward any 9 concerns or sticking points to committee staff."</p> <p>10 A That's correct.</p> <p>11 Q So PhRMA supported the bill, correct?</p> <p>12 A Which bill, the CARA or the Ensuring 13 Patient Access bill.</p> <p>14 Q The Ensuring Patient Access bill.</p> <p>15 A I honestly don't know whether PhRMA 16 supported it or not. But I don't think she's 17 referring to that bill. I think she's referring 18 to the CARA bill, which was the comprehensive 19 opioid legislation that became law in 2016, and 20 that Purdue supported.</p> <p>21 Q Ah. So when she says: "We have 22 reviewed, and Burt is in touch with senate staff 23 regularly," you don't think she's talking about 24 the Ensuring Patient Access and Effective Drug</p>

<p style="text-align: right;">Page 266</p> <p>1 Enforcement Act?</p> <p>2 A I do not. I don't think Purdue took a</p> <p>3 position on that bill. I don't think we supported</p> <p>4 or opposed it. I think she's referring to the</p> <p>5 CARA bill, which is -- I've forgotten the exact</p> <p>6 bill, I apologize, but that was a comprehensive</p> <p>7 piece of legislation that dealt with the opioid</p> <p>8 issues, multi-faceted legislation that became law</p> <p>9 and was signed by President Obama, I think at the</p> <p>10 end of 2016, and we, as I said, supported that</p> <p>11 act.</p> <p>12 (Rosen Exhibit No. 39 was marked</p> <p>13 for identification.)</p> <p>14 BY MR. CRUEGER:</p> <p>15 Q So Exhibit 39.</p> <p>16 A Yes.</p> <p>17 Q And this is an e-mail from someone at</p> <p>18 Senator Hatch's office, correct?</p> <p>19 A That's correct. And I just need to read</p> <p>20 it. It's a -- an e-mail with a -- it looks like a</p> <p>21 press release or something on it.</p> <p>22 Q And the press release is saying that the</p> <p>23 Senate has passed the Ensuring Patient Access and</p> <p>24 Effective Drug Enforcement Act, correct?</p>	<p style="text-align: right;">Page 268</p> <p>1 Ensuring Patient Act" -- this appears to be the</p> <p>2 same press release, and I forwarded it to -- it</p> <p>3 looks like I forwarded it to the Pain Care Forum,</p> <p>4 and I said, "The Hatch-Waxman" -- I'm sorry, "The</p> <p>5 Hatch-Whitehouse bill has passed the Senate. It</p> <p>6 is expected to be accepted by the House."</p> <p>7 Q And so you're just keeping the members</p> <p>8 of the Pain Care Forum apprised of the progress</p> <p>9 of the Ensuring Patient Access and Effective Drug</p> <p>10 Enforcement Act, correct?</p> <p>11 A That's what it appears to do, yes.</p> <p>12 (Rosen Exhibit No. 41 was marked</p> <p>13 for identification.)</p> <p>14 BY MR. CRUEGER:</p> <p>15 Q So Exhibit 41. Very close.</p> <p>16 A (Peruses document.) Okay.</p> <p>17 Q And so this is an e-mail from you to --</p> <p>18 it's dated April 12th, 2016, and you sent it to</p> <p>19 various people inside of Purdue, correct?</p> <p>20 A That's correct.</p> <p>21 Q And it's updating these people at Purdue</p> <p>22 about the progress of the Ensuring Patient Access</p> <p>23 and Effective Drug Enforcement Act, correct?</p> <p>24 A It says: "This evening the House passed</p>
<p style="text-align: right;">Page 267</p> <p>1 A It says: "Today the Senate unanimously</p> <p>2 passed the Ensuring Patient Access and Effective</p> <p>3 Drug Enforcement Act to help ensure that</p> <p>4 prescription drugs land in the hands of patients</p> <p>5 and not those who would abuse them."</p> <p>6 Q And you responded to Mr. Richardson in</p> <p>7 Senator Hatch's office, and you said, "Thanks</p> <p>8 again," correct?</p> <p>9 A I did.</p> <p>10 Q Why is it "thanks again"?</p> <p>11 A That's a good question. That was -- two</p> <p>12 or three years ago, and I don't really recall the</p> <p>13 e-mail. Again, it's just a press release, and I</p> <p>14 said, "Thanks again."</p> <p>15 (Rosen Exhibit No. 40 was marked</p> <p>16 for identification.)</p> <p>17 BY MR. CRUEGER:</p> <p>18 Q So Exhibit 40. And I'm just giving you</p> <p>19 this e-mail that's just all on the first page.</p> <p>20 It's an e-mail from you to what appear to be</p> <p>21 various members of the Pain Care Forum, correct?</p> <p>22 A This appears to be -- is this the same</p> <p>23 press release? I'd have to go back and look, but,</p> <p>24 yes. "Today the Senate unanimously passed the</p>	<p style="text-align: right;">Page 269</p> <p>1 the bill which had previously passed the Senate.</p> <p>2 Now sent -- will now be sent to the President."</p> <p>3 Q And that he is expected to sign it into</p> <p>4 law, correct?</p> <p>5 A Yes.</p> <p>6 Q And then you say: "The bill is one we</p> <p>7 have been working on with HDMA and NACDS for the</p> <p>8 past two years." Correct?</p> <p>9 A That is what it says.</p> <p>10 Q And by "we," do you mean Purdue?</p> <p>11 A I don't remember sending the e-mail.</p> <p>12 But I think working on is what I've just been</p> <p>13 through with you, that we've been sending</p> <p>14 information out, but -- you know, obviously we</p> <p>15 didn't sign the letter. I don't recall supporting</p> <p>16 the bill.</p> <p>17 Q Well, it says at the end -- and again,</p> <p>18 you wrote this e-mail --</p> <p>19 A Yes, I did.</p> <p>20 Q -- correct?</p> <p>21 A Yes, I did.</p> <p>22 Q And it says: "Purdue was very active in</p> <p>23 influencing the ultimate definition of an imminent</p> <p>24 danger to the public's health or safety."</p>

<p style="text-align: right;">Page 270</p> <p>1 Correct?</p> <p>2 A Yes. Yes, it does.</p> <p>3 Q And by Purdue, that would be you,</p> <p>4 Mr. Burt Rosen?</p> <p>5 MR. SNAPP: Object to the form.</p> <p>6 THE WITNESS: That is correct.</p> <p>7 So I'm reminded by this that there was</p> <p>8 a -- what I would call a technical amendment</p> <p>9 because I couldn't explain it myself, and an</p> <p>10 outside lawyer, now that I'm reminded, did go up</p> <p>11 and meet with the Whitehouse and Hatch staff, and</p> <p>12 they gave them that language, and the DEA accepted</p> <p>13 that as acceptable, and it was meant to be some</p> <p>14 kind of a clarifying amendment.</p> <p>15 Again, I don't really recall the exact</p> <p>16 other than this description, that you have now</p> <p>17 reminded me, and so there was involvement. But we</p> <p>18 did not take a position, to my knowledge, on the</p> <p>19 entire -- the entirety of the bill, but, rather,</p> <p>20 there was a -- what I would call a technical</p> <p>21 amendment that one of the lawyers flagged.</p> <p>22 BY MR. CRUEGER:</p> <p>23 Q So Purdue took a -- a position on the</p> <p>24 definition of "an imminent danger to the public</p>	<p style="text-align: right;">Page 272</p> <p>1 A Well, he had raised -- he had reviewed</p> <p>2 the bill, as I recall, and he had raised the issue</p> <p>3 as one --</p> <p>4 MR. SNAPP: Hold on. I'm going to</p> <p>5 object on the grounds of attorney-client</p> <p>6 privilege.</p> <p>7 To the extent that you're going to</p> <p>8 discuss any communications from a lawyer hired by</p> <p>9 the company with the company related to legal</p> <p>10 analysis, I would instruct you not to answer. If</p> <p>11 you can answer the question without going into</p> <p>12 attorney-client communications, please go ahead.</p> <p>13 BY MR. CRUEGER:</p> <p>14 Q To -- to be clear, I'm not asking you</p> <p>15 what he did or what his analysis -- I'm asking who</p> <p>16 at Purdue was directing him to look at this issue.</p> <p>17 A I don't remember who specifically. What</p> <p>18 I do recall is that he had reviewed the</p> <p>19 legislation, and he had flagged that there was --</p> <p>20 MR. SNAPP: Again, if you're --</p> <p>21 THE WITNESS: Okay.</p> <p>22 MR. SNAPP: -- going to discuss</p> <p>23 communications between --</p> <p>24 THE WITNESS: Well, then I had better</p>
<p style="text-align: right;">Page 271</p> <p>1 health or safety" that was in that bill, correct?</p> <p>2 A At least it referred to the definition</p> <p>3 of "an imminent danger," yes.</p> <p>4 Q And in your own words, Purdue was very</p> <p>5 active in influencing that definition, correct?</p> <p>6 A As I said, an outside lawyer went in and</p> <p>7 met with the staff, gave them the technical</p> <p>8 change. They, as I recall, reviewed it with the</p> <p>9 DEA. The DEA said it was acceptable and they</p> <p>10 included it.</p> <p>11 Q Who was the outside lawyer?</p> <p>12 A His name was Peter Mathers. He's an</p> <p>13 FDA/DEA type lawyer.</p> <p>14 Q Where does he work?</p> <p>15 A Epstein Becker.</p> <p>16 Q Who directed him at Purdue to go to the</p> <p>17 White House and -- and propose this amendment?</p> <p>18 A It wasn't to the White House. It was to</p> <p>19 Senator Whitehouse --</p> <p>20 Q Oh.</p> <p>21 A -- who was the Democratic sponsor of the</p> <p>22 bill.</p> <p>23 Q So same question, who directed him to go</p> <p>24 to Senator Whitehouse?</p>	<p style="text-align: right;">Page 273</p> <p>1 stop, and if you want to confer, I'll be glad to</p> <p>2 confer.</p> <p>3 BY MR. CRUEGER:</p> <p>4 Q But it was somebody at Purdue who</p> <p>5 directed him to look at the legislation.</p> <p>6 A I don't recall that specifically or</p> <p>7 whether he just had followed it and seen the --</p> <p>8 the language and flagged it. But I don't recall</p> <p>9 specifically that there was anybody at Purdue that</p> <p>10 asked him to do so.</p> <p>11 Q Who at Purdue -- well, did you ask him?</p> <p>12 A I did not ask him to --</p> <p>13 Q And would -- who at Purdue would I have</p> <p>14 to ask?</p> <p>15 A I don't know who you would have to ask.</p> <p>16 I don't recall who.</p> <p>17 Q But your position is government affairs,</p> <p>18 and -- and you obviously knew that Purdue was very</p> <p>19 active in influencing this language, correct?</p> <p>20 A As I stated, I -- I recall our</p> <p>21 outside -- this outside lawyer, Peter Mathers,</p> <p>22 raising this issue --</p> <p>23 Q Again, he's going to go nuts as you --</p> <p>24 as you start to talk about whatever he said or</p>

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1 thought. So we'll just stop you there.
 2 But what I want to know is who else at
 3 Purdue was then working on this act if it wasn't
 4 just you.
 5 A I don't recall anyone working on this
 6 act. We did not really support the bill or oppose
 7 the bill. As I said, we didn't sign the letter
 8 supporting it. We were pretty inactive until the
 9 very end when this was flagged.
 10 Q And these -- again, these are your
 11 words, though, Mr. Rosen, that Purdue was very
 12 active in influencing that definition, correct?
 13 A That's correct.
 14 (Rosen Exhibit No. 42 was marked
 15 for identification.)
 16 BY MR. CRUEGER:
 17 Q I'm giving you Exhibit 42. It's a lot
 18 of e-mail addresses but not a lot of words on it,
 19 so...
 20 So the second e-mail on the first page,
 21 it's an e-mail from you to what we'll just
 22 summarize as a lot of people, correct?
 23 A I'm sorry. The one on the front?
 24 Q Well, there's Pamela Bennett sending it

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1 to -- to a few people, but she's forwarding some
 2 message from you, right, Burt Rosen, on April 2nd?
 3 A Correct, to a whole lot of people.
 4 Q To a whole lot of people.
 5 A And --
 6 Q And the subject is "The House passes
 7 S.483," correct?
 8 A That's correct.
 9 Q And you're forwarding Ms. Cosgrove's
 10 message to you.
 11 A I am forwarding her message to me.
 12 Q And the end of her message is: "We at
 13 the HDMA couldn't -- couldn't have done this
 14 without their help." Correct?
 15 A Yes.
 16 Q And "their" refers to the Pain Care
 17 Forum members, correct?
 18 MR. SNAPP: Object to the form.
 19 THE WITNESS: I assume it was those
 20 members who participated in supporting the bill.
 21 MR. SNAPP: Is this a good time for a
 22 short break?
 23 MR. CRUEGER: Sure, we can take a short
 24 break.

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1 THE VIDEOGRAPHER: The time is 4:41 p m.
 2 We're going off the record.
 3 (Recess.)
 4 THE VIDEOGRAPHER: The time is 4:55
 5 p m., and we're back on the record.
 6 (Rosen Exhibit No. 43 was marked
 7 for identification.)
 8 BY MR. CRUEGER:
 9 Q So I'm just going to hand you
 10 Exhibit 43.
 11 A (Peruses document.)
 12 Q And it looks like -- not the first
 13 e-mail that forwarded it, but the second e-mail
 14 below is from you on April 19th, 2016.
 15 A Could you just give me a second?
 16 Q Oh, sure.
 17 A I'm reading the last page. (Peruses
 18 document.) Okay. Please go ahead.
 19 Q So, the second e-mail that's April 19th,
 20 2016, is from you and then again to a whole lot of
 21 people who are outside of Purdue, correct?
 22 A Yes.
 23 Q And it looks like it's members of the
 24 Pain Care Forum updating them or forwarding a

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1 message from the HDMA, correct?
 2 A That's correct.
 3 Q And Ms. Cosgrove in her -- her e-mail
 4 saying: "Hi, Burt." At the bottom it says:
 5 "HDMA is extremely proud of this effort and
 6 grateful for all the members of the Pain Care
 7 Forum who supported this bill and took part in the
 8 group letter sent two years ago." Is that
 9 correct?
 10 A That's correct.
 11 Are you through with that?
 12 Q I'm through with that.
 13 (Rosen Exhibit No. 44 was marked
 14 for identification.)
 15 BY MR. CRUEGER:
 16 Q Exhibit 44.
 17 A (Peruses document.)
 18 Q And I'm not interested in the e-mail
 19 that starts from Burt Rosen, April 12th, 2016, and
 20 then there's a lot of recipients. Instead,
 21 there's the e-mail above it that's from you where
 22 you write, "Congratulations again, Bob."
 23 And are you referring to Mr. Robert
 24 Giacalone?

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1 A I assume I am.
2 Q And am I saying that last name correctly
3 or --
4 A I don't know. I never met this
5 gentleman, but I -- I did -- obviously I e-mailed
6 him, and I at one point recall now speaking to
7 him. But I never met him, so I don't honestly
8 know.
9 Q And he's from Cardinal Health, correct?
10 A I honestly don't recall where he's from,
11 but I -- I think that's correct.
12 (Counsel conferring.)
13 BY MR. CRUEGER:
14 Q And then you say -- after you say,
15 "Congratulations again, Bob. I still credit you
16 and Alan for breaking the logjam."
17 Are you referring to Alan Must?
18 A I think I am. I seem to have sent this
19 to them.
20 Q And -- and Mr. Giacalone writes back to
21 you?
22 A Yes.
23 Q And to Mr. Alan Must too, correct?
24 A Yes.

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1 Q And he says, "Thanks, Burt, but still
2 consider this a team effort by all of us,"
3 correct?
4 A That's what he says, yes.
5 Q "And thanks for helping to make this
6 happen, Bob."
7 A That's correct.
8 Q And he's referring to you, Thanks for
9 making -- helping to make it happen, correct?
10 A I think that's correct.
11 Q You and Alan Must, correct?
12 A That's correct.
13 Q So was Alan Must involved in -- in
14 having the Ensuring Patient Access Act passed?
15 A I don't think so. I -- I'm trying to
16 recall this. Alan I believe knew this gentleman.
17 And as I had mentioned to you just before we
18 broke, a lawyer had raised a concern, a tech --
19 what I would call a technical amendment, because I
20 don't think I could explain the act.
21 Q He's going to once again --
22 A Well, I won't --
23 MR. SNAPP: I don't want you to discuss
24 any privileged --

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1 THE WITNESS: I won't go there.
2 MR. SNAPP: -- communications between --
3 THE WITNESS: I won't go there, but I'm
4 just trying to refer to the incident.
5 And I believe what he's referring to is
6 that, you know, they were trying to clarify that
7 language, and they did, and the DEA signed off on
8 it, as I had mentioned to you. And I think that
9 was -- had just -- as I recall, that had clarified
10 the issue surrounding that technical amendment.
11 BY MR. CRUEGER:
12 Q But in this letter, Mr. Giacalone is
13 crediting you and Alan Must for breaking the
14 logjam -- well, you are actually crediting
15 Mr. Giacalone and Alan Must for breaking the
16 logjam, correct?
17 A I did say that. And I don't really
18 recall beyond what I've just stated what the
19 logjam was. I think that was it, or there was at
20 least with that one issue. But I would repeat
21 that I don't think that Purdue supported or
22 opposed the bill generally, and nor did we sign
23 the letter of support.
24 Q But, Mr. Rosen, it sounds like Purdue

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1 was a little bit more than neutral, correct, if
2 Cardinal is -- is considering it a team effort by
3 all of us, and you're congratulating -- and you're
4 crediting Mr. Must for breaking the logjam?
5 MR. SNAPP: Object to the form.
6 THE WITNESS: I would read that as just
7 a friendly back and forth. I think that what
8 happened, as I recall, this was about a four-year
9 effort on the part of the proponents of the bill.
10 As I recall, this had passed the House of
11 Representatives and not the Senate the first
12 Congress it was introduced. The second Congress,
13 it was unanimously approved by the House and the
14 Senate, which means that it was not controversial.
15 And my role was very specific, as I --
16 as I have stated to you, with regard to this
17 amendment that was -- or technical amendment that
18 was flagged by the lawyer at the very end of the
19 process, and it was signed off on by the DEA. I
20 didn't speak to the DEA, but the Congressional
21 staff had it signed off on by the DEA and accepted
22 by the DEA, and then obviously accepted by the
23 committee and the Congress generally and the
24 President of the United States.

<p style="text-align: right;">Page 282</p> <p>1 But I honestly -- if you looked at the</p> <p>2 bill, I just glanced at it, it's very technical.</p> <p>3 It amends sections of the existing law, and I'm</p> <p>4 not qualified or competent to tell you the</p> <p>5 specific nature of each provision or word that was</p> <p>6 in the bill.</p> <p>7 BY MR. CRUEGER:</p> <p>8 Q But you lobby --</p> <p>9 A So I stated it as honestly as I know</p> <p>10 how.</p> <p>11 Q You lobby Congress all the time, though,</p> <p>12 correct, on -- on federal bills?</p> <p>13 MR. SNAPP: Object to the form.</p> <p>14 THE WITNESS: I lobby Congress on</p> <p>15 federal bills.</p> <p>16 BY MR. CRUEGER:</p> <p>17 Q And this was only just a little over two</p> <p>18 years ago, right?</p> <p>19 A That's correct.</p> <p>20 Q And your words that you wrote only a</p> <p>21 little over two years ago are crediting you --</p> <p>22 crediting Mr. Giacalone and Alan Must for breaking</p> <p>23 the logjam, correct?</p> <p>24 A That's correct.</p>	<p style="text-align: right;">Page 284</p> <p>1 words, correct?</p> <p>2 A Those are my words, and I've explained</p> <p>3 them to you.</p> <p>4 Q And you're saying that you don't really</p> <p>5 know what the bill did. Is that your testimony?</p> <p>6 A That's -- yes, sir, I don't know what</p> <p>7 the overall bill did and every provision within</p> <p>8 it.</p> <p>9 (Rosen Exhibit No. 45 was marked</p> <p>10 for identification.)</p> <p>11 BY MR. CRUEGER:</p> <p>12 Q So I'll give you what's been labeled</p> <p>13 Exhibit 45, Mr. Rosen. There's no need for you to</p> <p>14 read the entire article.</p> <p>15 A I'm sorry, this is an article?</p> <p>16 Q It's a --</p> <p>17 A "Current navigation points" -- (reading</p> <p>18 to himself).</p> <p>19 Q This is an article, Mr. Rosen, that was</p> <p>20 published in the Marquette Law Review. Do you see</p> <p>21 the --</p> <p>22 A I'm not familiar with it, and I believe</p> <p>23 this is the first time I've ever seen it.</p> <p>24 Q And it was published by Judge Mulrooney,</p>
<p style="text-align: right;">Page 283</p> <p>1 Q And -- but at the same time you also say</p> <p>2 that I shouldn't read it in the way that you're --</p> <p>3 you've written it, but you also don't have that</p> <p>4 much recollection of these events, correct?</p> <p>5 A I --</p> <p>6 MR. SNAPP: Object to the form.</p> <p>7 THE WITNESS: That's exactly what I've</p> <p>8 stated, yes, sir.</p> <p>9 BY MR. CRUEGER:</p> <p>10 Q And Mr. Giacalone, who is at Cardinal</p> <p>11 Health, considers it a team effort, correct?</p> <p>12 A That's his words, yes.</p> <p>13 Q So he credits Purdue for being involved</p> <p>14 in -- in getting this act passed, correct?</p> <p>15 A Well, I think again this is just people</p> <p>16 being nice to each other at the end of the</p> <p>17 process, because it is what it is, and it was as I</p> <p>18 stated it to be.</p> <p>19 Q Well, if you look back again at</p> <p>20 Exhibit 41, if you want to pull that in.</p> <p>21 Again, your words, Mr. Rosen, is that</p> <p>22 Purdue was very active in influencing the ultimate</p> <p>23 definition of "an imminent danger to the public</p> <p>24 health and safety," correct? Those are your</p>	<p style="text-align: right;">Page 285</p> <p>1 who is a -- or written -- the article is written</p> <p>2 by Judge Maroney -- Mulrooney, sorry, who is at</p> <p>3 the Department of Justice, Drug Enforcement</p> <p>4 Administration, Chief Administrative Law Judge.</p> <p>5 Do you see that?</p> <p>6 A I do. I'm not familiar with him.</p> <p>7 Q And also another author --</p> <p>8 A Or with the -- the lady who -- it says,</p> <p>9 "and Katherine --</p> <p>10 Q Katherine --</p> <p>11 A -- Legel"?</p> <p>12 Q -- Legel, who is a judicial law clerk at</p> <p>13 the Drug Enforcement Administration.</p> <p>14 And this article is about this law,</p> <p>15 Ensuring Patient Access and Effective Drug</p> <p>16 Enforcement Act.</p> <p>17 And if you turn to page 9 of 84.</p> <p>18 A I'm going to have to take your clip off</p> <p>19 to see the whole page.</p> <p>20 Q Oh, that's fine.</p> <p>21 Do you see where they discuss the phrase</p> <p>22 "imminent danger to the public health or safety"?</p> <p>23 A I'm seeing that, yes.</p> <p>24 Q And so that's the language that you</p>

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1 were -- that you said that Purdue was very active
2 in influencing, correct?
3 A There was a technical amendment to that
4 section.
5 Q Again, I'm just using your words --
6 A Yes.
7 Q -- right, Mr. Rosen?
8 A Yes, you are.
9 Q So if you look at page 10.
10 A Yes. Oh, I'm sorry.
11 Q Page 10, the next page.
12 A (Peruses document.)
13 Q Right above Section C, the last sentence
14 in that paragraph.
15 A I'm just trying to read what he said
16 here on page 9. (Peruses document.)
17 Q Have you gotten it, page 10?
18 A I'm on page 10. Where do you want me to
19 stop?
20 Q Well, just the last conclusion here
21 right above Section C.
22 A I'm reading that paragraph now.
23 (Peruses document.) Okay.
24 Q And so Judge Mulrooney in that last

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1 sentence concludes that: "If it had been the
2 intent of Congress to completely eliminate the
3 DEA's ability to ever impose an immediate
4 suspension on distributors or manufacturers, it
5 would be difficult to conceive a more effective
6 vehicle for achieving that goal." Correct?
7 MR. SNAPP: Object to the form.
8 THE WITNESS: That's what he says.
9 BY MR. CRUEGER:
10 Q And I recall earlier in this deposition,
11 you talked that you're always -- you told me that
12 you're always talking about diversion at Purdue,
13 correct?
14 A Correct.
15 Q And yet this bill that Purdue -- you say
16 Purdue was very active in influencing. Between
17 you, Purdue, the HDMA and other Pain Care Forum
18 members, it stripped the DEA of its ability to
19 enforce the law and stop suspicious orders of
20 opioids, correct?
21 MR. SNAPP: Object to the form.
22 THE WITNESS: I don't know if that's
23 correct or not. I don't -- how did the final
24 passage actually affect -- I couldn't answer your

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1 question. And this --
2 BY MR. CRUEGER:
3 Q So you don't know?
4 A I don't know. I think that the -- the
5 change that was made in the bill -- I can't really
6 remember it -- as I said, it was a technical one,
7 and I didn't understand all of the provisions of
8 the bill. I think the way the bill was written is
9 amending sections of the law, which wouldn't mean
10 anything to me. That's why an outside lawyer came
11 in and explained it.
12 But I -- I really don't recall. I don't
13 believe that the -- the law as it was changed took
14 away the ability of the -- the DEA to enforce
15 their statute. Somebody -- somebody smarter than
16 I would have to explain the detail of that. I'm
17 not sure I agree with this conclusion.
18 (Rosen Exhibit No. 46 was marked
19 for identification.)
20 BY MR. CRUEGER:
21 Q Well, Exhibit 46 --
22 By the way --
23 A Yes.
24 Q -- I just want to clear up, because you

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1 seem to be unsure of it, Mr. Robert Giacalone --
2 A Yes.
3 Q -- this is a text file of the same
4 e-mail that we looked at earlier.
5 A Mm-hmm.
6 Q Just an excerpt of it from Exhibit --
7 I'm trying to find which exhibit it was -- 44. So
8 Exhibit 44. And he is at Cardinal Health,
9 correct?
10 A Yes.
11 Q Okay. Does that refresh your
12 recollection?
13 A It does. I really didn't recall
14 where -- which company he was from.
15 MR. SNAPP: Do you have any copies of
16 that?
17 MS. HURD: I don't have -- I just have
18 three.
19 THE WITNESS: Here.
20 (Rosen Exhibit No. 47 was marked
21 for identification.)
22 BY MR. CRUEGER:
23 Q So I've just passed you what's labeled
24 as Exhibit 47. If you want to take a -- if you

<p style="text-align: right;">Page 290</p> <p>1 want to just quickly read through it.</p> <p>2 A (Peruses document.) Okay.</p> <p>3 Q And this is a -- an e-mail from you to</p> <p>4 Alan Must, correct?</p> <p>5 A That's correct.</p> <p>6 Q And again, Mr. Alan Must, who was,</p> <p>7 according to your e-mail, involved in ensuring the</p> <p>8 passage of the Ensuring Patient Access and</p> <p>9 Effective Drug Enforcement Act, correct?</p> <p>10 MR. SNAPP: Object to the form.</p> <p>11 THE WITNESS: Just as I had explained to</p> <p>12 you in the e-mail.</p> <p>13 BY MR. CRUEGER:</p> <p>14 Q And you were forwarding him a letter</p> <p>15 from 44 state attorneys general, correct?</p> <p>16 A I didn't count them, but that's probably</p> <p>17 correct.</p> <p>18 Q And the first page of that letter, "Dear</p> <p>19 Congressional Leaders," correct?</p> <p>20 A Yes.</p> <p>21 Q And the 44 state attorneys generals are</p> <p>22 urging Congress to repeal the law, correct?</p> <p>23 A That's correct.</p> <p>24 Q And that law being the Ensuring the</p>	<p style="text-align: right;">Page 292</p> <p>1 general" --</p> <p>2 A Yes.</p> <p>3 Q -- "write that in the midst of this</p> <p>4 deepening public health crisis, at a time when our</p> <p>5 nation needs every available weapon at its</p> <p>6 disposal to combat the opioid epidemic, the Act</p> <p>7 effectively strips the Drug Enforcement</p> <p>8 Administration (DEA) of a mission critical tool;</p> <p>9 namely, the ability to issue an immediate</p> <p>10 suspension order against the drug manufacturer or</p> <p>11 distributor whose unlawful conduct poses an</p> <p>12 imminent danger to the public health and safety."</p> <p>13 I read that correctly, right?</p> <p>14 A That's what the letter says.</p> <p>15 Q And again, that's an act that, in your</p> <p>16 words, Purdue was involved in passing, correct?</p> <p>17 MR. SNAPP: Object to the form.</p> <p>18 THE WITNESS: Well, in my words, Purdue</p> <p>19 had a very specific technical amendment that it</p> <p>20 put forward, and it was accepted by the staff on</p> <p>21 both sides of the aisle, and -- and as I</p> <p>22 understood it, accepted by the DEA. But we did</p> <p>23 not support or oppose the entirety of the bill to</p> <p>24 the best of my knowledge.</p>
<p style="text-align: right;">Page 291</p> <p>1 Patient Access and Effective Drug Enforcement Act,</p> <p>2 correct?</p> <p>3 A Yes, that's correct.</p> <p>4 Q Because they say, and I'll quote: The</p> <p>5 Act is a step backward in our collective effort to</p> <p>6 prevent the diversion and misuse of prescription</p> <p>7 drugs and address our worsening epidemic of opioid</p> <p>8 addiction and overdose deaths, period. Correct?</p> <p>9 MR. SNAPP: Object to the form.</p> <p>10 THE WITNESS: Correct.</p> <p>11 BY MR. CRUEGER:</p> <p>12 Q And do you agree with their</p> <p>13 characterization of the law?</p> <p>14 MR. SNAPP: Object to the form.</p> <p>15 THE WITNESS: I don't agree or disagree.</p> <p>16 I told you before I don't really know all of the</p> <p>17 details of the law. I do know that it was</p> <p>18 unanimously approved by the United States Congress</p> <p>19 and signed by President Obama, and my</p> <p>20 understanding was that it had been -- that DEA had</p> <p>21 been consulted throughout the process. But I --</p> <p>22 BY MR. CRUEGER:</p> <p>23 Q And if you look at page 2 of that</p> <p>24 letter, it starts: "The 44 state attorneys</p>	<p style="text-align: right;">Page 293</p> <p>1 BY MR. CRUEGER:</p> <p>2 Q And so you're saying it was a very</p> <p>3 narrow involvement, but it happens to be</p> <p>4 influencing the language that stripped the DEA of</p> <p>5 its power, correct?</p> <p>6 MR. SNAPP: Object to the form.</p> <p>7 THE WITNESS: I don't believe that to be</p> <p>8 true.</p> <p>9 BY MR. CRUEGER:</p> <p>10 Q You don't believe it to be true.</p> <p>11 A No.</p> <p>12 Q But you don't really know what's in the</p> <p>13 act, correct?</p> <p>14 A No, that's right.</p> <p>15 Q So how do you not believe it to be true?</p> <p>16 MR. SNAPP: Object to the form.</p> <p>17 THE WITNESS: Well, I'm -- as I said, I</p> <p>18 can't imagine that a -- a technical change which</p> <p>19 was accepted by all parties would have done such a</p> <p>20 thing.</p> <p>21 BY MR. CRUEGER:</p> <p>22 Q So the 44 state attorneys general are</p> <p>23 wrong?</p> <p>24 MR. SNAPP: Object to the form.</p>

<p style="text-align: right;">Page 294</p> <p>1 THE WITNESS: I don't know if they're</p> <p>2 right or wrong. I just know that the bill was</p> <p>3 unanimously approved by the United States Congress</p> <p>4 without opposition, without a single vote against</p> <p>5 it, and signed by the President of the United</p> <p>6 States, and I assume after it had been reviewed by</p> <p>7 the DEA and the Justice Department. So you would</p> <p>8 have to go somewhere else to get the real answer.</p> <p>9 BY MR. CRUEGER:</p> <p>10 Q So you do know all those details,</p> <p>11 correct?</p> <p>12 A That's what I've been told, and that,</p> <p>13 you know, that when I was with the outside counsel</p> <p>14 and met with the staff, they had told us that --</p> <p>15 that they had no objection to the language, and</p> <p>16 that they later informed us that the DEA had no</p> <p>17 objection.</p> <p>18 Q So when -- you met with the Senate</p> <p>19 staff?</p> <p>20 A Yes, when I accompanied the outside</p> <p>21 attorney who explained the amendment.</p> <p>22 Q Oh, so you -- you went and met with</p> <p>23 Senator Whitehouse's staff?</p> <p>24 A Both Senator Whitehouse's staff and</p>	<p style="text-align: right;">Page 296</p> <p>1 meeting?</p> <p>2 A Again, this is back to where we were, I</p> <p>3 don't recall any -- specifically who told me to do</p> <p>4 it. It was flagged by the outside attorney.</p> <p>5 Q But who at Purdue probably would have</p> <p>6 told you to go to this meeting?</p> <p>7 A Probably somebody from the law</p> <p>8 department.</p> <p>9 Q And who would've that been?</p> <p>10 A I'm not sure which lawyer it would have</p> <p>11 been.</p> <p>12 Q Who do you regularly interact with on</p> <p>13 legal issues?</p> <p>14 A I regularly interact with a lot of the</p> <p>15 lawyers in the legal department.</p> <p>16 Q Who do you regularly interact with on</p> <p>17 lobbying issues?</p> <p>18 A It would depend on the issue, and I</p> <p>19 guess it would go back to what we discussed</p> <p>20 earlier today, the policy committee at Purdue and</p> <p>21 the -- well, I don't think the CEAC group was even</p> <p>22 active at that point in time. I don't recall the</p> <p>23 exact dates, but it was different on different</p> <p>24 issues depending on what the issue involved.</p>
<p style="text-align: right;">Page 295</p> <p>1 Senator Hatch's staff. I think that's what I told</p> <p>2 you earlier.</p> <p>3 Q And --</p> <p>4 A Along with the outside lawyer.</p> <p>5 Q And how did you know to go along in this</p> <p>6 meeting?</p> <p>7 A Because the lawyer had flagged the</p> <p>8 issue, and -- and I accompanied him to take him to</p> <p>9 see the staff, and he spoke to them about the</p> <p>10 technicality of the amendment. It was beyond</p> <p>11 my --</p> <p>12 Q And is it -- it's your testimony you --</p> <p>13 A It was beyond my knowledge.</p> <p>14 Q It's your testimony you know nothing</p> <p>15 about what was going on in the amendment that you</p> <p>16 were there to see the senators about?</p> <p>17 MR. SNAPP: Object to the form.</p> <p>18 THE WITNESS: That is my testimony, that</p> <p>19 he was the one who understood the technicality. I</p> <p>20 was not -- I did not understand it. I don't think</p> <p>21 I would have been capable of explaining it to</p> <p>22 them.</p> <p>23 BY MR. CRUEGER:</p> <p>24 Q And who at Purdue told you to go to this</p>	<p style="text-align: right;">Page 297</p> <p>1 Q So there would have been a committee at</p> <p>2 Purdue that was reviewing or monitoring this</p> <p>3 legislation.</p> <p>4 MR. SNAPP: Object to the form.</p> <p>5 THE WITNESS: I don't recall there being</p> <p>6 a committee actually monitoring this legislation.</p> <p>7 It was not a bill that -- that we supported or</p> <p>8 opposed. It was something that we were basically</p> <p>9 pretty neutral on. As I explained to you, it was</p> <p>10 about a four-year process for Congress to consider</p> <p>11 it and pass it unanimously, and that at the end of</p> <p>12 the process this was flagged to me --</p> <p>13 BY MR. CRUEGER:</p> <p>14 Q So --</p> <p>15 A -- by the outside counsel.</p> <p>16 Q So let me just understand and make sure</p> <p>17 this is your testimony, that you believe Purdue</p> <p>18 was neutral on the bill but wanted to go to the</p> <p>19 senators' office to discuss amending the bill to</p> <p>20 add additional language in it that eventually</p> <p>21 stripped the DEA of its authority to enforce the</p> <p>22 law.</p> <p>23 MR. SNAPP: Object to the form.</p> <p>24 THE WITNESS: Again, I'm just repeating,</p>

<p style="text-align: right;">Page 298</p> <p>1 I don't think that's accurate.</p> <p>2 BY MR. CRUEGER:</p> <p>3 Q Which part is not accurate, my</p> <p>4 interpretation of the law or --</p> <p>5 A The interpretation that it stripped</p> <p>6 authority from the DEA.</p> <p>7 Q Right.</p> <p>8 So your testimony is that Purdue took no</p> <p>9 position on the law, was neutral on it, but paid</p> <p>10 an outside attorney to go to the senators' office,</p> <p>11 with you, to advocate for an amendment to the act?</p> <p>12 MR. SNAPP: Object to the form.</p> <p>13 THE WITNESS: Again, I don't think</p> <p>14 that -- that it stripped any provision from the</p> <p>15 bill. I think it made a word change in the bill,</p> <p>16 and it was one that was considered technical, and</p> <p>17 it was accepted by all parties, the staff on both</p> <p>18 sides of the aisle, and they represented that they</p> <p>19 had reviewed it with the DEA, who found the</p> <p>20 language acceptable as well.</p> <p>21 BY MR. CRUEGER:</p> <p>22 Q That's not my question, though.</p> <p>23 My question is, your testimony is that</p> <p>24 Purdue was neutral on the bill, but that they</p>	<p style="text-align: right;">Page 300</p> <p>1 considered to be a technical change, and it was</p> <p>2 something that he explained to them and that they</p> <p>3 accepted, and that the DEA reviewed it and</p> <p>4 accepted the language as well.</p> <p>5 BY MR. CRUEGER:</p> <p>6 Q Does --</p> <p>7 A That was what I was told.</p> <p>8 Q Are you aware of the -- is this lawyer,</p> <p>9 is he also retained by our parties to advocate for</p> <p>10 this bill?</p> <p>11 MR. SNAPP: Object to the form.</p> <p>12 THE WITNESS: Not to my knowledge. I</p> <p>13 don't have any knowledge of that.</p> <p>14 BY MR. CRUEGER:</p> <p>15 Q So Purdue was neutral but took a</p> <p>16 position on an amendment.</p> <p>17 A I'm just repeating myself. I -- I think</p> <p>18 I've answered your question.</p> <p>19 Q I'm just trying to figure out how you</p> <p>20 can be neutral but take a position.</p> <p>21 MR. SNAPP: Object to the form.</p> <p>22 THE WITNESS: Well, I think I've</p> <p>23 explained that to you. We don't -- I don't know</p> <p>24 what was the entirety of the bill. It was -- I</p>
<p style="text-align: right;">Page 299</p> <p>1 hired an outside counsel and paid you as well to</p> <p>2 go to the senators' office and advocate for an</p> <p>3 amendment to the bill?</p> <p>4 MR. SNAPP: Object to the form.</p> <p>5 THE WITNESS: Pardon me?</p> <p>6 MR. SNAPP: Object to the form.</p> <p>7 THE WITNESS: I suppose at least with</p> <p>8 respect to the lawyer, my understanding is that</p> <p>9 that lawyer did work for the company on an annual</p> <p>10 basis, on a retainer, and he followed DEA and FDA</p> <p>11 regulations. And I did not specifically hire him,</p> <p>12 and I don't think anyone specifically hired him</p> <p>13 for that purpose, but it was something that he had</p> <p>14 flagged.</p> <p>15 BY MR. CRUEGER:</p> <p>16 Q But again, what I'm trying to get to is</p> <p>17 you're trying to tell me that Purdue was</p> <p>18 neutral -- this is not -- I'm just trying to make</p> <p>19 sure I get your testimony correct, that Purdue was</p> <p>20 neutral on the bill, but it advocated for an</p> <p>21 amendment.</p> <p>22 MR. SNAPP: Object to the form.</p> <p>23 THE WITNESS: It was neutral on the</p> <p>24 bill, and the -- the lawyer had raised what he</p>	<p style="text-align: right;">Page 301</p> <p>1 would have to go back and look at it, and I don't</p> <p>2 even know if what you gave me was the final</p> <p>3 version of it. I think it was only the introduced</p> <p>4 version. It was many pages long, it amended many</p> <p>5 sections of the DEA act. And at the end of the</p> <p>6 four-year process, a lawyer flagged what he</p> <p>7 considered to be a technical amendment. I -- I</p> <p>8 don't recall if it was a one-word change or a</p> <p>9 two-word change, and it was presented and accepted</p> <p>10 by both parties, Senator Whitehouse, a Democrat;</p> <p>11 Senator Hatch, the Republican. It was unanimously</p> <p>12 approved by the United States Senate, the United</p> <p>13 States House of Representatives, signed by the</p> <p>14 President of the United States, and I was --</p> <p>15 represented to me that that language was approved</p> <p>16 by the DEA.</p> <p>17 BY MR. CRUEGER:</p> <p>18 Q Who represented that to you?</p> <p>19 A The Congressional staff.</p> <p>20 Q Did you talk to anyone -- anyone else at</p> <p>21 Purdue besides Alan Must about the bill?</p> <p>22 A Not that I recall.</p> <p>23 Q So let's just circle around to the</p> <p>24 start. So you're a lobbyist, correct? Is that a</p>

<p style="text-align: right;">Page 302</p> <p>1 good way to describe your job?</p> <p>2 A It is.</p> <p>3 Q And you've been a lobbyist for -- in</p> <p>4 Washington, D.C., for 30 years plus?</p> <p>5 A Whatever the number of years are, yes.</p> <p>6 Q So decades, correct?</p> <p>7 A Yes.</p> <p>8 Q Would you be -- you're considered what</p> <p>9 we would all outside of Washington call a</p> <p>10 Washington insider, correct?</p> <p>11 MR. SNAPP: Object to the form.</p> <p>12 THE WITNESS: I do -- I did work for a</p> <p>13 United States Senator, and I do lobby the</p> <p>14 govern- -- the Congress, the federal government.</p> <p>15 BY MR. CRUEGER:</p> <p>16 Q You've heard the term, though,</p> <p>17 "Washington insider," correct?</p> <p>18 A I have. I couldn't really define it for</p> <p>19 you.</p> <p>20 Q And since 2001, you've probably been a</p> <p>21 lobbyist at Purdue, correct?</p> <p>22 A Since December of 2001, that's correct.</p> <p>23 Q And lobbying, as you described to me</p> <p>24 earlier, it's influencing, correct?</p>	<p style="text-align: right;">Page 304</p> <p>1 Q And you don't advance interests that are</p> <p>2 contradictory to Purdue, correct?</p> <p>3 MR. SNAPP: Object to the form.</p> <p>4 THE WITNESS: Well, I don't really know</p> <p>5 what you mean. Can you be specific?</p> <p>6 BY MR. CRUEGER:</p> <p>7 Q Purdue tells you what interests to</p> <p>8 advance, correct?</p> <p>9 A My instructions at Purdue or my general</p> <p>10 focus at Purdue with respect to these issues that</p> <p>11 we've talked about today were as I've stated. It</p> <p>12 was to attempt to find a balance in the public</p> <p>13 policy arena between allowing access for medicines</p> <p>14 that were used and beneficial to patients, and at</p> <p>15 the same time to attempt to find policies or</p> <p>16 support policies that mitigated the diversion, the</p> <p>17 misuse and the abuse of those products.</p> <p>18 Q Such as the DEA bill that we just</p> <p>19 discussed, correct?</p> <p>20 MR. SNAPP: Object to the form.</p> <p>21 THE WITNESS: Which DEA bill?</p> <p>22 BY MR. CRUEGER:</p> <p>23 Q The one we just discussed for the past</p> <p>24 25, 30 minutes.</p>
<p style="text-align: right;">Page 303</p> <p>1 MR. SNAPP: Object to the form.</p> <p>2 THE WITNESS: Lobbying is trying to --</p> <p>3 as I would define it, it's trying to develop</p> <p>4 public policies and try to find the balance</p> <p>5 between any issues, and attempting to work with</p> <p>6 members of Congress to see if they would agree on</p> <p>7 your interpretation or policy of any given</p> <p>8 subject.</p> <p>9 BY MR. CRUEGER:</p> <p>10 Q And you're not a neutral arbitrator,</p> <p>11 though, correct?</p> <p>12 A I don't know what you really mean by</p> <p>13 that.</p> <p>14 Q Well, you're not -- you represent -- in</p> <p>15 this case, you represent Purdue, correct?</p> <p>16 A I do.</p> <p>17 Q And your job is to advance Purdue's</p> <p>18 interests, correct?</p> <p>19 MR. SNAPP: Object to the form.</p> <p>20 THE WITNESS: Pardon me?</p> <p>21 MR. SNAPP: Object to the form.</p> <p>22 THE WITNESS: I do attempt to advance</p> <p>23 those interests.</p> <p>24 BY MR. CRUEGER:</p>	<p style="text-align: right;">Page 305</p> <p>1 A As I told you before, we didn't support</p> <p>2 or -- or oppose that particular piece of</p> <p>3 legislation.</p> <p>4 Q And you've always been lobbying on</p> <p>5 issues related to opioids, correct?</p> <p>6 A At Purdue --</p> <p>7 Q Working for Purdue.</p> <p>8 A -- I have worked on issues that related</p> <p>9 to opioids.</p> <p>10 Q So that's really your sole job is to</p> <p>11 lobby and work on issues that are related to</p> <p>12 opioids, correct?</p> <p>13 A I don't think it's my sole job. As I</p> <p>14 told you before, I -- you know, we review issues</p> <p>15 that may pertain to the pharmaceutical industry</p> <p>16 generally, to businesses generally, and -- and</p> <p>17 certainly to the issues that we've discussed</p> <p>18 today.</p> <p>19 Q And again, you would agree with me that</p> <p>20 your -- your job is to advance Purdue's interests</p> <p>21 on Capitol Hill, correct?</p> <p>22 A My job is to advance Purdue's interests,</p> <p>23 yes.</p> <p>24 Q So when you give me this language about</p>

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1 finding balances in policy and all this other
 2 stuff, again you are not a neutral policymaker
 3 trying to come up with the best policy for the
 4 United States, correct? You don't represent the
 5 people of the United States, do you?
 6 MR. SNAPP: I would object to the form.
 7 THE WITNESS: Yeah, I wouldn't agree
 8 with that. I think that we -- we truthfully tried
 9 to become part of the solution to the degree that
 10 that's possible, and I think that we balanced many
 11 times positions that would help to address the
 12 diversion, misuse and the abuse of our products.
 13 BY MR. CRUEGER:
 14 Q You have a budget for lobbying, correct?
 15 A I have a -- a budget for my office, is
 16 that what you're asking me?
 17 Q I guess. Do you have a budget for how
 18 much you can spend on lobbying?
 19 A I do have a budget.
 20 Q Does it actually go to how much you can
 21 spend on lobbying?
 22 A Well, as I explained to you earlier, I
 23 mean I am a government relations person, and I
 24 monitor issues, and then sometimes I engage in --

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1 in actual lobbying activity. But what I do every
 2 day is not necessarily what is defined as
 3 lobbying, the actual act of lobbying.
 4 Q But you don't have a rein to just write
 5 a free -- you don't have free rein to just write a
 6 check to whoever you want to hire third parties to
 7 lobby on behalf of Purdue, correct?
 8 MR. SNAPP: Object to the form.
 9 THE WITNESS: No, I don't.
 10 BY MR. CRUEGER:
 11 Q So when you say you have a budget, you
 12 do have some sort of a budget that you can spend
 13 on lobbying, correct?
 14 A I've answered that question, I have a
 15 budget to run my office.
 16 Q Now, we've seen that Purdue spends a lot
 17 of -- well, what's your -- what is your budget,
 18 your annual budget?
 19 A My budget has changed over time. Are
 20 you talking about my -- before I start, I can't
 21 give you an exact number because my budget is
 22 actually encompassed in a larger budget that Alan
 23 Must manages, but there is a portion of that. I
 24 haven't seen an exact number. And it has changed

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1 over time.
 2 The office was originally myself and my
 3 admin. I told you I had for about a year or so a
 4 part-time employee, and then last year I hired
 5 someone that would presumably take my position
 6 when I retire. So it's changed.
 7 Q And -- and also I want to be clear about
 8 what the -- the Pain Care Forum is, because I
 9 think we've talked about that a lot. You would
 10 agree we've talked about that a lot today, haven't
 11 we? So...
 12 A I would agree.
 13 Q So you would meet approximately -- the
 14 Pain Care Forum met approximately once a month,
 15 correct?
 16 A That's correct.
 17 Q And it was in a room here in Washington,
 18 D.C., and also on the telephone, correct?
 19 A A variety of rooms, yes.
 20 Q And the meetings include members of
 21 industry, correct?
 22 A Correct.
 23 Q So manufacturers of opioids and
 24 distributors of opioids, correct?

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1 A Right. The organizations that we
 2 discussed earlier.
 3 Q And it also includes organizations such
 4 as the American Pain Foundation and -- and other
 5 such organizations, correct?
 6 A Correct, when it existed.
 7 Q Right. And organizations that Purdue --
 8 at least we know Purdue has given in total
 9 millions of dollars to, correct?
 10 MR. SNAPP: Object to the form.
 11 THE WITNESS: We did review that, over a
 12 number of years.
 13 BY MR. CRUEGER:
 14 Q It also includes organizations like the
 15 FSMB, correct?
 16 A Correct.
 17 Q And that's another organization that
 18 Purdue has given substantial amounts of money to,
 19 correct?
 20 A Again --
 21 MR. SNAPP: Object to the form.
 22 THE WITNESS: Sorry. Again, we reviewed
 23 that earlier, and there were contributions over a
 24 number of years.

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1 BY MR. CRUEGER:

2 Q And the issues that the Pain Care Forum
3 addressed are really related to opioids in
4 general, correct?

5 MR. SNAPP: Object to the form.

6 THE WITNESS: Some of them are related
7 to opioids.

8 BY MR. CRUEGER:

9 Q And the Pain Care Forum would set up
10 task force or would form task force to -- to
11 address various issues, correct?

12 A That's correct.

13 Q And people such as myself, we don't know
14 what was discussed in those meetings because
15 there's no recording or transcript of the
16 discussions, correct?

17 MR. SNAPP: Object to the form.

18 THE WITNESS: That's correct.

19 BY MR. CRUEGER:

20 Q And we don't always know what people
21 even attended, correct?

22 A We don't. There was no calling of the
23 roll or record of that.

24 Q And so really the -- the contents of

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1 those meetings, like what the Pain Care Forum did
2 in detail, it's -- it's secret from the public,
3 correct?

4 MR. SNAPP: Object to the form.

5 THE WITNESS: Well, I -- I think the
6 issues would all be on the agendas that -- that
7 were issued, but it wasn't anything that was
8 published.

9 BY MR. CRUEGER:

10 Q But it's -- it's -- it's secret from the
11 public. The public doesn't know what goes on in
12 the Pain Care Forum, correct?

13 MR. SNAPP: Object to the form.

14 THE WITNESS: Well, it -- if what you're
15 trying to say is that the Pain Care Forum was
16 somehow a secret, it was anything but a secret.

17 We were a number of organizations that
18 participated. There were sometimes a number of
19 people within an organization that participated.
20 We had no way of knowing or even attempted to know
21 who was on the telephone, or -- anyone from the
22 group was welcome to participate in the meetings.

23 And so from that perspective, there were
24 dozens and dozens of people who were there and

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1 knew what was going on, but, no, there was not a
2 published document that was broadcast to the
3 public at large.

4 BY MR. CRUEGER:

5 Q And so you really consider those
6 meetings to be -- like there was no
7 confidentiality for those meetings?

8 MR. SNAPP: Object to the form.

9 THE WITNESS: Well, I don't really know
10 what you're talking about with confidentiality.
11 It's just what I stated. The meetings were open
12 to the participants. The phone calls were open
13 lines. Somebody would have to advise me on
14 confidentiality.

15 But they were -- they were open meetings
16 for the people who participated. I had no way of
17 knowing who was in a room on a phone across the
18 country really, because people participated were
19 from all over the United States.

20 BY MR. CRUEGER:

21 Q But it was only -- by the way, it was
22 only members of the Pain Care Forum who were
23 invited to attend the meetings, correct?

24 A Yes, that's correct. And outside

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1 speakers, of course, as I mentioned to you.

2 Q And to be a member of the Pain Care
3 Forum, people would have to approve their
4 participation, correct?

5 MR. SNAPP: Object to the form.

6 THE WITNESS: Well, it was a very loose
7 process. As I said, when the forum started, I
8 think, or when the idea came up and -- and it got
9 organized and started, I think there were about 20
10 organizations or so that participated from the
11 beginning, and then organizations were added on.
12 But...

13 BY MR. CRUEGER:

14 Q Well, just to use as an example, if I
15 wanted to become a member of the Pain Care Forum
16 and attend meetings, it probably would be
17 discouraged, correct?

18 A Well, there was a loose criteria, and
19 the criteria was, as I -- the best that I could
20 state it was that if you represented an
21 organization that had an interest in either the
22 treatment of pain or the -- the -- for that
23 matter, the treatment of addiction or any of the
24 issues surrounding these -- these -- this

<p style="text-align: right;">Page 314</p> <p>1 discussion of balance, if you will, between the 2 appropriate treatment of pain and diversion and 3 misuse and abuse of products. 4 But there were companies involved that 5 made medical devices that treated pain, and there 6 were many other organizations who participated 7 that were what I would call antidrug coalitions. 8 And I think there was even somebody there who 9 represented addiction treatment specialists. 10 And so that was the criteria. We 11 really I don't think would have accepted an 12 individual who had no real interests. And -- and 13 that would be my explanation. 14 Q And if you go back to actually 15 Exhibit 1, so it's probably at the bottom of your 16 stack. So... 17 A Yes. Yes. 18 Q And so this was -- again, I understand 19 why 1990 -- well, actually -- and this is the 20 career highlights, correct? 21 A 2004 -- 22 Q 2004. 23 A -- highlights, yes. 24 Q I understand why Purdue was having</p>	<p style="text-align: right;">Page 316</p> <p>1 A Yes. 2 Q This is when you were talking about 3 SmithKline? 4 A SmithKline Beecham. 5 Q -- "and at the same time I always tried 6 to drive pharma and industry agenda." Correct? 7 A That's what it says. 8 Q And that's really -- that describes your 9 job, driving the industry agenda at Purdue, 10 correct? 11 MR. SNAPP: Object to the form. 12 THE WITNESS: It -- I don't think that 13 would be a fair statement at Purdue. At 14 SmithKline Beecham we were a fairly large and 15 diverse pharmaceutical company who played a much 16 more active and stronger role at the trade 17 association. 18 I think Purdue, being a much smaller 19 company with a less diverse portfolio, we were 20 very much less interested in driving the agenda of 21 the industry. But we were interested in what was 22 going on with respect to the industry generally. 23 BY MR. CRUEGER: 24 Q Well, you were interested in driving the</p>
<p style="text-align: right;">Page 315</p> <p>1 financial problems with the loss of exclusivity, 2 so you're looking for a job, correct? And this is 3 you explaining your job, right? 4 A This was me, yes, I was obviously -- I 5 don't recall. I think I mentioned to you earlier 6 when you presented me with this, I was surprised. 7 I don't remember the e-mail itself. I'm not 8 certain even who Chuck is because of the way this 9 obviously is sent from me to me. I don't really 10 remember if it was sent. 11 But I do -- I did it looks like it was 12 at the point in time when we lost the patent, the 13 product had gone generic, and the -- you know, 14 really the future of the company was in question. 15 Q And -- but you wrote this while you were 16 working at Purdue, correct? 17 A Yes, correct. 18 Q And so -- 19 A I worked there in 2004. 20 Q And so you wrote here that in the first 21 paragraph starting, "I always." So, "I always 22 work closely with the product teams and legal 23 group to drive products and put SB at a 24 competitive advantage" --</p>	<p style="text-align: right;">Page 317</p> <p>1 agenda of Purdue and other manufacturers of 2 opioids, correct? 3 MR. SNAPP: Object to the form. 4 THE WITNESS: I answered your question. 5 I -- I -- I don't think that our role at Purdue 6 was similar to the role that you would play when 7 you work for a larger pharmaceutical company like 8 SmithKline Beecham. 9 BY MR. CRUEGER: 10 Q And in the end, your effectiveness is 11 measured by your impact on sales, correct? 12 MR. SNAPP: Object to the form. 13 THE WITNESS: No, I don't think that's 14 correct. 15 BY MR. CRUEGER: 16 Q Well, if you look at page 3, it starts 17 with "Career Highlights." 18 A Yes, "Career Highlights." 19 Q So in that first paragraph, you've -- 20 you've measured yourself a success of your ability 21 by the \$2 billion in direct sales opportunities 22 you've created for your customers, correct? 23 A I did. 24 (Rosen Exhibit No. 48 was marked</p>

<p style="text-align: right;">Page 318</p> <p>1 for identification.)</p> <p>2 BY MR. CRUEGER:</p> <p>3 Q So I'm just going to give you</p> <p>4 Exhibit 48.</p> <p>5 You can put the other one away.</p> <p>6 And these -- this is an e-mail from you</p> <p>7 to various people at Purdue forwarding the CEAC</p> <p>8 minutes for January 26, correct?</p> <p>9 A Of 2010. January 27th, actually.</p> <p>10 Q Oh.</p> <p>11 A Oh, I'm sorry, the e-mail was January 27</p> <p>12 of 2010.</p> <p>13 Q And if you look at page -- it ends in</p> <p>14 44. It's item number 6.</p> <p>15 Now, Purdue has spent a lot of money</p> <p>16 lobbying and third parties that we've seen,</p> <p>17 correct?</p> <p>18 MR. SNAPP: Object to the form.</p> <p>19 THE WITNESS: I see it.</p> <p>20 BY MR. CRUEGER:</p> <p>21 Q But you -- Purdue spent a lot of money</p> <p>22 on -- we saw it spent a lot of money on third</p> <p>23 parties, correct?</p> <p>24 MR. SNAPP: Object to the form.</p>	<p style="text-align: right;">Page 320</p> <p>1 THE VIDEOGRAPHER: The time is 5:48</p> <p>2 p.m., and we're going off the record.</p> <p>3 (Recess.)</p> <p>4 THE VIDEOGRAPHER: The time is 5:55</p> <p>5 p.m., and we're back on the record.</p> <p>6 MR. CRUEGER: I have no further</p> <p>7 questions at the time, but as I said at the</p> <p>8 beginning, we received about 2,000-plus documents</p> <p>9 last night and haven't had a chance to review</p> <p>10 them, so we consider the deposition as held open.</p> <p>11 And I assume you will object to that.</p> <p>12 MR. SNAPP: We disagree, but we don't</p> <p>13 need to talk about that today.</p> <p>14 MR. CRUEGER: Nope.</p> <p>15 MR. SNAPP: And I have no questions for</p> <p>16 you, Mr. Rosen.</p> <p>17 THE VIDEOGRAPHER: Okay. That's it.</p> <p>18 The time is 5:56 p.m. on January 16th, 2019.</p> <p>19 Going off the record, completing the videotaped</p> <p>20 deposition.</p> <p>21 (Whereupon, the deposition of</p> <p>22 BURT E. ROSEN was concluded at</p> <p>23 5:56 p.m.)</p> <p>24</p>
<p style="text-align: right;">Page 319</p> <p>1 THE WITNESS: Are you referring to the</p> <p>2 documents you showed me earlier this morning?</p> <p>3 BY MR. CRUEGER:</p> <p>4 Q Yes.</p> <p>5 A Yes.</p> <p>6 Q Spent millions of dollars with the FSMB,</p> <p>7 correct?</p> <p>8 MR. SNAPP: Object to the form.</p> <p>9 THE WITNESS: They spent sums of money</p> <p>10 that you showed me over time, over -- I think it</p> <p>11 was about a decade or more.</p> <p>12 BY MR. CRUEGER:</p> <p>13 Q So item 6 in these meeting minutes says:</p> <p>14 "Following a discussion of how Purdue should</p> <p>15 respond to requests for contributions and</p> <p>16 financial support for substance abuse treatment,</p> <p>17 it was determined that we should continue our</p> <p>18 policy of not supporting individual treatment</p> <p>19 programs." And it says: "David Haddox will draft</p> <p>20 a statement for CEAC consideration and ECO</p> <p>21 approval," period. Correct?</p> <p>22 A That's what it says, yes.</p> <p>23 MR. CRUEGER: Let's take a few minutes,</p> <p>24 and then I'll be done.</p>	<p style="text-align: right;">Page 321</p> <p>1 CERTIFICATE OF CERTIFIED SHORTHAND REPORTER</p> <p>2 The undersigned Certified Shorthand Reporter</p> <p>3 does hereby certify:</p> <p>4 That the foregoing proceeding was taken before</p> <p>5 me at the time and place therein set forth, at</p> <p>6 which time the witness was duly sworn; That the</p> <p>7 testimony of the witness and all objections made</p> <p>8 at the time of the examination were recorded</p> <p>9 stenographically by me and were thereafter</p> <p>10 transcribed, said transcript being a true and</p> <p>11 correct copy of my shorthand notes thereof; That</p> <p>12 the dismantling of the original transcript will</p> <p>13 void the reporter's certificate.</p> <p>14 In witness thereof, I have subscribed my name</p> <p>15 this date: January 20, 2019.</p> <p>16</p> <p>17 _____</p> <p>18 LESLIE A. TODD, CSR, RPR</p> <p>19 Certificate No. 5129</p> <p>20 (The foregoing certification of</p> <p>21 this transcript does not apply to any</p> <p>22 reproduction of the same by any means,</p> <p>23 unless under the direct control and/or</p> <p>24 supervision of the certifying reporter.)</p>

INSTRUCTIONS TO WITNESS

Please read your deposition over carefully and make any necessary corrections. You should state the reason in the appropriate space on the errata sheet for any corrections that are made. After doing so, please sign the errata sheet and date it.

You are signing same subject to the changes you have noted on the errata sheet, which will be attached to your deposition. It is imperative that you return the original errata sheet to the deposing attorney within thirty (30) days of receipt of the deposition transcript by you. If you fail to do so, the deposition transcript may be deemed to be accurate and may be used in court.

ACKNOWLEDGMENT OF DEPONENT

I, _____, do hereby certify that I have read the foregoing pages, and that the same is a correct transcription of the answers given by me to the questions therein propounded, except for the corrections or changes in form or substance, if any, noted in the attached Errata Sheet.

BURT E. ROSEN DATE

Subscribed and sworn to before me this

_____ day of _____, 20__.

My commission expires: _____

Notary Public

ERRATA

PAGE LINE CHANGE

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